



California Regulatory Notice Register

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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**PROPOSED ACTION ON
REGULATIONS**

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**TITLE 2. FAIR POLITICAL PRACTICES
COMMISSION**

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303 and 87304 of the Government Code to review proposed conflict of interest codes, will review the proposed/amended conflict of interest code of the following:

WEST KERN WATER DISTRICT

A written comment period has been established commencing on **June 6, 2008** and closing on **July 21, 2008**. Written comments should be directed to the Fair Political Practices Commission, Attention Tara Stock, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict of interest code will be submitted to the Commission's Executive Director for his review; unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code will be submitted to the Commission for review.

The Executive Director or the Commission will review the above-referenced conflict of interest code, proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director or the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code. Any written comments must be received no later than **July 21, 2008**. If a public

hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

**EFFECT ON HOUSING COSTS
AND BUSINESSES**

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict of interest code(s) should be made to Tara Stock, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

**AVAILABILITY OF PROPOSED CONFLICT
OF INTEREST CODES**

Copies of the proposed conflict of interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Tara Stock, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

TITLE 2. STATE LANDS COMMISSION

**TITLE 2. ADMINISTRATION
DIVISION 3. STATE PROPERTY OPERATIONS
CHAPTER 1. STATE LANDS COMMISSION
ARTICLE 4.8. THE COLLECTION OF
INFORMATION RELATING TO HULL
HUSBANDRY PRACTICES OF VESSELS FOR
CONTROL OF MARINE INVASIVE SPECIES
IN WATERS OF CALIFORNIA**

**NOTICE OF PROPOSED
REGULATORY ACTION**

The California State Lands Commission (the Commission) proposes to adopt the regulation described below after considering all comments, objections or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Commission proposes to adopt a new regulation under Article 4.8, Section 2298, to Title 2, Division 3, Chapter 1 of the California Code of Regulations (CCR), Hull Husbandry Reporting Form. This section requires the master, owner, operator, agent, or person in charge of a vessel specified in Section 71201 of the Public Resources Code (P.R.C.) to comply with the provisions of Sections 71205(e) and 71205(f) of the P.R.C.

The proposed regulatory form would specify information reporting requirements and instructions for the master, owner, operator, agent, or person in charge of a vessel, United States or foreign, carrying, or capable of carrying, ballast water into the coastal waters of the State. The reporting of this information will allow the Commission to collect and analyze data on hull husbandry practices and voyage characteristics related to vessel fouling.

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments relevant to the proposed regulatory action to the Commission. The written comment period closes at 5:00 p.m. on July 21, 2008. All written comments must be received at the Commission by that time. Written comments should be submitted to:

Ravi Varma
Supervisor, Planning Branch
California State Lands Commission
Marine Facilities Division
200 Oceangate, Suite 900
Long Beach, CA 90802

PUBLIC HEARING

The Commission has not scheduled a public hearing for this proposed action. However, the Commission will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

AUTHORITY AND REFERENCE

P.R.C. Section 71205(e) directs the Commission to develop a form to be completed by the master, owner, operator, agent, or person in charge of a vessel specified in P.R.C. Section 71201. Accordingly, the proposed regulation would implement, interpret, or make specific the required information specified in P.R.C. Section 71205(e).

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

The Commission proposes to adopt Article 4.8, Section 2298 in Title 2 of the California Code of Regulations.

P.R.C. Section 71205(e) directs the Commission to develop a form to be completed by the master, owner, operator, agent, or person in charge of a vessel specified in P.R.C. Section 71201. The purpose of this form is to enable the Commission to obtain information regarding the hull husbandry practices and voyage characteristics related to vessel fouling.

Section 2298 of the California Code of Regulations, the Hull Husbandry Reporting Form will allow the Commission to collect the necessary data required by P.R.C. Sections 71205(e) and 71205(f) to develop and adopt regulations governing the management of hull fouling on vessels arriving to a California port or place as required by Section 71204.6.

The "Hull Husbandry Reporting Form" has been incorporated by reference and is available for review in the Initial Statement of Reasons.

The Commission is now proposing a new Article 4.8, "The Collection of Information Relating to Hull Husbandry Practices of Vessels for Control of Marine Invasive Species in Waters of California," under Title 2, Division 3, Chapter 1, Article 4.8 of the CCR, consisting of a single Section 2298.

§2298 would establish reporting requirements for the master, owner, operator, agent, or person in charge of a vessel specified in Section 71201 of the Public Resources Code to comply with the provisions of Section 71205(e) of the Public Resources Code.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Commission has made the following determinations:

The Commission has determined that the proposed regulation does not impose any mandates on local agencies or school districts.

The Commission has also determined that the proposed regulation does not impose any mandate requiring state reimbursement to any local agency or school district, pursuant to Government Code Sections 17500 *et seq.* No other non-discretionary cost or savings imposed on local agencies is anticipated.

The Commission has determined that no costs or savings to any other state agencies are anticipated.

The Commission has determined that the proposed regulation will have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

The Commission has determined that the proposed regulation will have no significant impact upon any of the following:

- (1) Creation or elimination of jobs within the State of California;
- (2) Creation of new business or the elimination of existing businesses within the State of California; and
- (3) Expansion of businesses currently doing business within the State of California.

The Commission has determined that the adoption of this regulation will not affect small businesses. None of the businesses that will be governed by these proposed regulations can be considered to be a 'small business' as defined in Gov. Code § 11342.610.

The Commission has determined that the proposed regulation will have no significant effects on housing costs.

The Commission has determined that the proposed regulation will have no impact on costs or savings in Federal funding to the State.

The Commission finds that the adoption of this regulation, which requires a report applying to businesses, is necessary for the health, safety, or welfare of the people of this state.

FISCAL IMPACT STATEMENT/FORM 399

The proposed regulations are reporting requirements only, as specified in P.R.C. Section 71205(e). Therefore, minimal costs will be incurred.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the Commission must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the Commission would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

The Commission invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation during the written comment period.

CONTACT PERSONS

Inquiries concerning the substance of the proposed regulation may be directed to:

Maurya Falkner
Environmental Program Manager I
California State Lands Commission
Marine Facilities Division
100 Howe Avenue, Suite 100 South
Sacramento, CA 95825-8202
Telephone: (916) 574-2568
Facsimile: (916) 574-1950

Or to:

Mark A. Meier
Senior Staff Counsel
California State Lands Commission
100 Howe Avenue, Suite 100 South
Sacramento, CA 95825-8202
Telephone: (916) 574-1853
Facsimile: (916) 574-1855

Requests for copies of the proposed text of the regulations, the initial statement of reasons, the modified text of the regulations if any, or other information upon which the rulemaking is based should be directed to:

Ravi Varma
Supervisor, Planning Branch
California State Lands Commission
Marine Facilities Division
200 Oceangate, Suite 900
Long Beach, CA 90802-4335
Telephone: (562) 499-6312
Facsimile: (562) 499-6317

http://www.slc.ca.gov/Spec_Pub/MFD/Ballast_Water/Ballast_Water_Default.html.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Commission will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its offices at either of the above addresses. As of the date this notice is published in the Notice register, the rulemaking file consists of this notice, the proposed text of the regulations and the initial statement of reasons. Copies may be obtained by contacting Ravi Varma at the address or telephone number listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments, the Commission may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the original proposed text, the modified text, with changes clearly indicated, shall be made available to the public for at least fifteen days prior to the date on which the Commission adopts the regulations. Requests for copies of any modified regulations should be sent to the attention of Ravi Varma at the address indicated above. The Commission will accept written comments on the modified regulation for fifteen days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Ravi Varma at the address or telephone number listed above.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of regulations can be accessed through our website at:

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture amended subsection 3591.20(a) of the regulations in Title 3 of the California Code of Regulations pertaining to Light Brown Apple Moth Eradication Area as an emergency action that was effective on April 30, 2008. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than October 26, 2008.

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period. Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department of Food and Agriculture, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

Notice is also given that any person interested may present statements or arguments in writing relevant to the action proposed to the agency officer named below on or before July 21, 2008.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law provides that the Secretary is obligated to investigate the existence of any pest that is not generally distributed within this State and determine the probability of its spread, and the feasibility of its control or eradication (Food and Agricultural Code Section 5321).

Existing law also provides that the Secretary may establish, maintain and enforce quarantine, eradication and other such regulations as he deems necessary to protect the agricultural industry from the introduction and spread of pests (Food and Agricultural Code, Sections 401, 403, 407 and 5322). Existing law also provides that eradication regulations may proclaim any portion of the State as an eradication area and set forth the boundaries, the pest, its hosts and the methods to be used to eradicate said pest (Food and Agricultural Code Section 5761).

The amendment of subsection 3591.20(a) established San Benito County as an eradication area for the light brown apple moth, *Epiphyas posivittana*. The effect of these actions was to establish authority for the

State to conduct eradication activities in Sonoma County against this pest. There is no existing, comparable federal regulation or statute.

COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The Department of Food and Agriculture has determined that the amendment of Section 3591.20 does not impose a mandate on local agencies or school districts and no reimbursement is required for Section 3591.20 under Section 17561 of the Government Code. The Department also has determined that no savings or increased costs to any state agency, no reimbursable costs or savings under Part 7 (commencing with Section 17500) of Division 4 of the Government Code to local agencies or school districts, no nondiscretionary costs or savings to local agencies or school districts, and no costs or savings in federal funding to the State will result from the proposed action.

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed actions will not affect housing costs.

EFFECT ON BUSINESSES

The Department has made an initial determination that the proposed actions will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

COST IMPACT ON AFFECTED PRIVATE PERSON OR BUSINESSES

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT

The Department has made an assessment that the proposed amendment of the regulations would not (1) create or eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

ALTERNATIVES CONSIDERED

The Department of Food and Agriculture must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the actions are proposed or would be as effective and less burdensome to affected private persons than the proposed actions.

AUTHORITY

The Department proposes to amend subsections 3591.20(a) pursuant to the authority vested by Sections 407 and 5322 of the Food and Agricultural Code.

REFERENCE

The Department proposes to amend subsections 3591.20(a), to implement, interpret and make specific Sections 407, 5322, 5761, 5762 and 5763 of the Food and Agricultural Code.

EFFECT ON SMALL BUSINESS

The proposed amendment of this regulation may affect small businesses.

CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed actions, location of the rulemaking files, and request for a public hearing may be directed to is: Stephen S. Brown, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room A-316, Sacramento, California 95814, (916) 654-1017, FAX (916) 654-1018, E-mail: sbrown@cdfa.ca.gov. In his absence, you may contact Liz Johnson at (916) 654-1017. Questions regarding the substance of the proposed regulation should be directed to Stephen S. Brown.

INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet Web site (www.cdfa.ca.gov/cdfa.pendingregs).

**AVAILABILITY OF STATEMENT OF REASONS
AND TEXT OF PROPOSED REGULATIONS**

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed actions, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, when completed, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

If the regulations amended by the Department differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

**TITLE 4. CALIFORNIA GAMBLING
CONTROL COMMISSION**

**NOTICE OF PROPOSED REGULATORY
ACTION CONCERNING:
TWO-YEAR LICENSE FEES & TWO-YEAR
TPPS LICENSES**

CGCC-GCA-2008-R-1

NOTICE IS HEREBY GIVEN that the California Gambling Control Commission (Commission) is proposing to take the action described in the Informative Digest.

NO PUBLIC HEARING AT THIS TIME

At this time, the Commission has not scheduled a public hearing. Any interested person, or his or her authorized representative, may request a hearing pursuant to Government Code section 11346.8. A request for a hearing should be directed to the person(s) listed under Contact Persons no later than 15 days prior to the close of the comment period.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Commission at any

time during the 45-day public comment period, which closes on July 21, 2008.

To be considered for summary and response, written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Persons in this Notice, must be received by the Commission at its office no later than 5:00 p.m. on July 21, 2008. Comments sent to persons or addresses other than those specified under Contact Persons, or received after the date and time specified above, regardless of the manner of transmission, will be included, but will not be summarized or responded to in the record of this proposed regulatory action.

The Commission, upon its own motion or at the instance of any interested party, may thereafter formally adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit oral testimony or written comments related to this proposal or who have requested notification of any changes to this proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by sections 19811, 19824, 19840, 19841, 19851, 19853, 19854, 19864, 19876, 19915, 19951 and 19984 of the Business and Professions Code, and to implement, interpret or make specific sections 19841(a), 19853(a), 19854(c) and (d), 19876(a), 19951(a) and (b) and 19984(b) of the Business and Professions Code; the Commission is proposing to adopt the following changes to Chapters 1, 2, 2.1, 2.2, 4 and 6 of Division 18 of Title 4 of the California Code of Regulations:

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

Introduction:

The Commission is proposing regulations that would implement the provisions of Senate Bill 730 (2007 Stat. Ch. 438) by establishing two-year license application fees for Gambling Establishments, Key Employees, providers of Third-Party Proposition Player Services (TPPS) and Gambling Businesses. As a result of SB 730, these proposed regulations would also establish two-year license terms for TPPS and Gambling Businesses.

Background:

The Commission, is the state agency charged with the administration and implementation of the California

Gambling Control Act (Act).¹ The Act assigns the Commission with the responsibility of assuring that gambling licenses are not issued to, or held by, unqualified or disqualified persons, or by persons whose operations are conducted in a manner that is inimical to the public health, safety, or welfare.² The Act directs the Commission to issue licenses only to those persons of good character, honesty and integrity, whose prior activities, criminal record, if any, reputation, habits and associations do not pose a threat to the public interest of this state.³

Prior to SB 730, the Act established that a license must be renewed annually, or for a longer period set by the Commission, not to exceed two years.⁴ Also prior to SB 730, the Act set the license application fee at \$500.⁵

Introduced by Senator Florez, SB 730 was passed by the Legislature on September 12, 2007 and signed by the Governor on October 10, 2007. SB 730 became effective on January 1, 2008. Among other things, SB 730 mandates that the Commission establish two-year license terms no later than August 1, 2008.⁶ SB 730 also requires the Commission to adopt by regulation license application fees by no later than January 1, 2009.⁷

Specific Proposal:

These proposed regulations would establish a new section in Chapter 1 of Division 18 that contains the initial and renewal application fee schedule for all licenses, registrations and permits issued by the Commission. Accordingly, the application fee amounts stated in all other chapters of Division 18 would be deleted, and the fee amount referenced to this new single section within Chapter 1.

The license application fee amounts stated in this new section would reflect an adjustment from one-year (annual) licenses to two-year (biennial) licenses for gambling establishments, key employees, TPPS and gambling businesses. The Commission recently established two-year license terms for gambling establishments and key employees.⁸ As a result of SB 730, these proposed regulations would further establish two-year license terms for TPPS and gambling businesses, rather than the current one-year term.

Accordingly, for primary owners and owners of gambling establishments, TPPS and gambling businesses, these proposed regulations would double the annual license application fee amount to adjust to a two-year license term. The resulting license application fee of \$1000 would be the same as two years at the previous annual rate ($\$500 \times 2 = \1000). These proposed regulations would reduce the burden of license renewal by also extending the term of these TPPS and gambling business licenses to two years.

For key employees of gambling establishments, and supervisors of TPPS and gambling businesses, these proposed regulations would establish a two-year license application fee of \$750, which is a \$250 reduction over the current annual license application fee, once adjusted for a two-year license term ($\$500 \times 2 - \$750 = \$250$ reduction). In addition to this 25% reduction in the license application fee, these proposed regulations would also reduce the burden of license renewal by extending the term of these TPPS and gambling business licenses to two years.

Players and other employees of TPPS and gambling businesses already have a two-year license term. As a result, these proposed regulations would retain the current two-year license application fee of \$500.

Accordingly, the following license application forms would also be amended to reflect the new two-year fee schedule:

- Application for State Gambling License, CGCC-030 (Rev. 04/08)
- Application for Gambling Establishment Key Employee License, CGCC-031 (Rev. 04/08)

The application fees and terms for all other registrations and permits issued by the Commission would remain the same as is currently established in regulation.

As a result of the new two-year term for the licenses of TPPS and gambling businesses, these proposed regulations would also prescribe a new due date for payment of the annual fee and submission of the employee report. Different from the license application fee, the annual fee is paid by the owner of a TPPS or gambling business, and is based on the number of other licensees (ex.— players) that are associated with that TPPS or gambling business. The due dates for the annual fee and employee report are currently tied to the renewal of the license, which as a result of these proposed regulations would be every two years, rather than annually. This would leave no annual renewal event from which to collect the annual fee and employee report. Under these proposed regulations, the due date for payment of the fee and submission of the report by licensed TPPS and gambling businesses would be the same as what is currently required of registered TPPS and gambling businesses (i.e., September 1st of each year).

¹ Business and Professions Code, sections 19800 through 19987

² Business and Professions Code, section 19823

³ Business and Professions Code, section 19857

⁴ Business and Professions Code, subdivision (a) of section 19876, as written prior to SB 730 (2007 Stat. Ch. 438)

⁵ Business and Professions Code, subdivision (a) of section 19951, as written prior to SB 730 (2007 Stat. Ch. 438)

⁶ Business and Professions Code, subdivision (a) of section 19876, as amended by SB 730 (2007 Stat. Ch. 438)

⁷ Business and Professions Code, subdivision (a) of section 19951, as amended by SB 730 (2007 Stat. Ch. 438)

⁸ California Code of Regulations, subsection (c) of section 12340, established in rulemaking file # CGCC-GCA-2007-R-3 (OAL Notice # Z-07-0626-01)

Current Regulation:

Existing regulation in the California Code of Regulations, Title 4, Division 18 is summarized as follows:

Chapter 2, Article 3, Section 12122(a) prescribes a temporary work permit fee of \$25, in addition to the regular work permit fee of \$500.

Chapter 2.1, Article 1, Section 12200.14 requires the primary owner of a registered or licensed TPPS to submit an updated organizational chart and form Third Party Proposition Player Services Employee Report (CGCC-440, Rev. 09/04) to the Bureau of Gambling Control (Bureau) and the Commission upon renewal of the registration or license.

Chapter 2.1, Article 1, Section 12200.20(a)(2) prescribes that the annual fee paid by each licensed primary owner of a TPPS be based upon the total number of licensees affiliated with the primary owner 120 days prior to the license renewal date.

Chapter 2.1, Article 2, Section 12202(b)(1) prescribes that TPPS registration applications of all types include a \$500 application fee.

Chapter 2.1, Article 2, Section 12203A prescribes that applications for the renewal of a TPPS registration include an application fee of \$500.

Chapter 2.1, Article 2, Section 12203.2(a) prescribes a temporary TPPS player registration fee of \$25, in addition to the regular registration fee of \$500.

Chapter 2.1, Article 2, Section 12205.1(c) prescribes that if a TPPS registration expires while an application to convert a registration to a license is being processed, the applicant shall submit a new registration fee of \$500.

Chapter 2.1, Article 3, Section 12218.13 prescribes the term of a TPPS license as a primary owner, owner and supervisor to be one year, and that the term of a TPPS license as a player and other employee to be two years.

Chapter 2.2, Article 1, Section 12220.14 requires the primary owner of a registered or licensed gambling business to submit an updated organizational chart and form Gambling Business Employee and Independent Contractor Report (CGCC-540, Rev. 09/04) to the Bureau and the Commission upon renewal of the registration or license.

Chapter 2.2, Article 1, Section 12220.20(a)(2) prescribes that the annual fee paid by each licensed primary owner of a gambling business be based upon the total number of licensees affiliated with the primary owner 120 days prior to the license renewal date.

Chapter 2.2, Article 1, Section 12220.20A(a) prescribes the conditions under which a registered or licensed TPPS would not be required to pay additional annual fees as a registered or licensed gambling business. One of these conditions is that the primary owner

of the gambling business must have filed an application under chapter 2.2 and have paid the application fee of \$500.

Chapter 2.2, Article 2, Section 12222(b)(1) prescribes that gambling business registration applications of all types include a \$500 application fee.

Chapter 2.2, Article 3, Section 12237 prescribes the term of a gambling business license as a primary owner, owner and supervisor to be one year, and that the term of a gambling business license as a player and other employee to be two years.

Chapter 4, Section 12301(b)(10) prescribes that an application for an equipment manufacturer or distributor registration include an application fee of \$500, and that an application for an antique slot machine distributor registration include an application fee of \$40.

Chapter 6, Article 2, Section 12342(a)(1) prescribes that an application for a state gambling license include a completed form: Application for State Gambling License, CGCC-030 (Rev. 04/08).

Chapter 6, Article 2, Section 12342(a)(2) prescribes that an application for a key employee license include a completed form: Application for Gambling Establishment Key Employee License, CGCC-031 (Rev. 04/08).

Chapter 6, Article 2, Section 12342(a)(8) prescribes that an application for a state gambling license include a completed form: Trust Supplemental Background Investigation Information, BGC-APP-143 (Rev. 04/08).

Chapter 6, Article 2, Section 12342(a)(17) prescribes that an application for a state gambling license include a completed form: Instructions to Applicant's Spouse, BGC-APP-010 (Rev. 04/08).

Chapter 6, Article 2, Section 12343(a)(1) prescribes the maximum time within which the Commission shall notify the applicant that an initial gambling license or key employee license application is complete and accepted for initial processing. For the purposes of this section, an application is defined as an Application for State Gambling License, CGCC-030 (Rev. 04/08) and an Application for Gambling Establishment Key Employee License, CGCC-031 (Rev. 04/08). This section also prescribes that an application is not complete unless accompanied by a fee of \$500.

Chapter 6, Article 2, Section 12344(a) prescribes that the renewal application for a state gambling license or key employee license shall include a \$500 application fee and a completed form: Application for State Gambling License, CGCC-030 (Rev. 04/08) or Application for Gambling Establishment Key Employee License, CGCC-031 (Rev. 04/08).

Chapter 6, Article 2, Section 12344(b) prescribes that each person whose name is required to be endorsed upon a license shall submit a separate renewal applica-

tion, along with the application fee specified in Section 12344(a).

Chapter 6, Article 2, Section 12345(a)(2) prescribes the maximum time within which the Commission shall notify the applicant that a renewal gambling license or key employee license application is complete and accepted for initial processing. For the purposes of this section, an application is defined as an Application for State Gambling License, CGCC-030 (Rev. 04/08) and an Application for Gambling Establishment Key Employee License, CGCC-031 (Rev. 04/08). This section also prescribes that an application is not complete unless accompanied by a fee of \$500.

Effect of Regulatory Action:

The proposed action will make the following changes to existing regulation:

1. Within Chapter 1, establish section 12008, which would prescribe the initial and renewal application fees for all licenses, registrations and permits issued by the Commission. Refer to pages 2 and 3 of this notice for details.
2. Within Chapters 2, 2.1, 2.2 and 4, these regulations would amend Sections 12122(a), 12202(b)(1), 12203(A), 12203.2(a), 12205.1(c), 12222(b)(1) and 12301(b)(10) to transfer existing registration and permit application fees to the proposed section 12008. The application fee amounts for these registrations and permits would not be changed by these proposed regulations.
3. Within Chapters 2.1, 2.2 and 6, these regulations would amend Sections 12220.20A, 12343(a)(1), 12344(a), 12344(b) and 12345(a)(2) to delete current license application fee amounts, and reference the fee amount to the proposed section 12008. The move of these license application fees to section 12008 would include an adjustment of the fee amount to reflect a two-year license term. Refer to pages 2 and 3 of this notice for details.
4. Within Chapters 2.1 and 2.2, these regulations would amend Sections 12218.13 and 12237 to establish a two-year term for all TPPS and gambling business license types.
5. Within Chapters 2.1 and 2.2, these regulations would amend Sections 12200.14 and 12220.14 to require that the primary owner of a licensed TPPS or gambling business submit an employee report form on the same annual schedule that is required for the payment of the annual fee, as specified in sections 12200.20(a) or 12220.20(a). The submission schedule for these forms is currently tied to the annual expiration of the license. Since this proposed action would extend the term of these licenses to two years, these sections would

be amended to change the form submission due date to be the same as that specified for the annual fee. These employee report forms are currently established in regulation as follows:

- Third Party Proposition Player Services Employee Report (CGCC-440, Rev. 09/04).
- Gambling Business Employee and Independent Contractor Report (CGCC-540, Rev. 09/04).

These sections would also be amended by these regulations to delete the requirement that these forms and updated organizational charts be forwarded to both the Bureau and the Commission. Instead, these forms and charts would be forwarded to only the Commission, and then electronically shared with the Bureau, eliminating the need for the registrant or licensee to send them to both.

6. Within Chapters 2.1 and 2.2, these regulations would amend Sections 12200.20(a) and 12220.20(a) to prescribe a new due date for payment of the annual fee that is currently required from the primary owners of licensed TPPS and gambling businesses. The payment due date for this fee is currently tied to the annual expiration of these licenses. Since this proposed action would extend the term of these licenses to two years, a new annual payment due date must be established that is not tied to the renewal of the license. These sections would be amended to change the due date for payment of the annual fee to be September 1 of each year, the same as what is currently required of registered TPPS and gambling businesses. These amendments would retain the current annual payment of this fee, even though the term of these licenses has been extended to two years.
7. Within Chapter 6, these regulations would amend Sections 12342(a)(1), 12342(a)(2), 12342(a)(8), 12342(a)(17), 12343(a)(1), 12344(a) and 12345(a)(2) to change the revision date as follows for the license application forms incorporated by reference therein:
 - Application for State Gambling License, CGCC-030 (Rev. 05/08)
 - Application for Gambling Establishment Key Employee License, CGCC-031 (Rev. 05/08)
 - Trust Supplemental Background Investigation Information, BGC-APP-143 (Rev. 05/08)
 - Instructions to Applicant's Spouse, BGC-APP-010 (Rev. 05/08)

In the case of forms CGCC-030 and CGCC-031, the license application fee amounts printed on the forms would be changed to reflect the two-year license terms, as stated above. In the case of forms BGC-APP-143 and BGC-APP-010, the reference to forms CGCC-030 and CGCC-031 printed on these forms would be changed to reflect an amended revision date of (Rev. 05/08).

Incorporation by Reference:

The incorporation by reference in sections 12342(a)(1), (2), (8) & (17), 12343(a)(1), 12344(a)(1) and 12345(a)(2) of forms CGCC-030, CGCC-031, BGC-APP-143 and/or BGC-APP-010 is appropriate since publishing these documents in the California Code of Regulations would clearly be cumbersome, unduly expensive, impractical and unnecessary. These documents consist of multiple pages of text, tables and charts. They are designed to be completed electronically, then printed and mailed to the Commission. It is unnecessary to print this information in the text of the regulation itself. Forms CGCC-030, CGCC-031, BGC-APP-143 and BGC-APP-010 are available for viewing on the Commission's website, and are also available to anyone upon request to the Commission. These forms will also be available for review throughout this rulemaking process.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

The license application fee reduction for key employees and supervisors of TPPS and gambling businesses will produce a projected annual revenue loss to the Gambling Control Fund of \$69,125. This revenue loss represents only 0.5% of the total annual budget expenditures for the Commission and the Bureau.⁹ As a result, this revenue loss is absorbable within existing resources, having a minimal and manageable fiscal impact upon the Commission and the Bureau.

Non-Discretionary Costs/Savings to Local Agencies:

None.

Local Mandate:

None.

Costs to Any Local Agency or School District for which Government Code Section 17561 Requires Reimbursement:

None.

⁹ Estimated annual expenditures are \$12,421,000 in the Gambling Control Fund Condition Statement, 2008-09 Governor's Budget.

Business Impact:

The Commission has made the initial determination that this proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses:

The Commission has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses, or the elimination of jobs or existing businesses, or the expansion of businesses within the State of California.

Cost Impact on Representative Private Person or Business:

The cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action and that are known to the Commission are as follows:

The Commission has determined that this proposed action would reduce (by 25%) the current license application fees for key employees of gambling establishments and for supervisors of TPPS and gambling businesses. In the adjustment of these fees from one-year to two-year license terms, instead of merely doubling the fee, these proposed regulations change the fees from \$500 annually to only \$750 biennially, a 25% reduction over the two-year period.

In the case of all other types of licenses, registrations and permits issued by the Commission, these proposed regulations would have no cost impact on representative private persons or businesses.

Effect on Housing Costs:

None.

EFFECT ON SMALL BUSINESS

The Commission has made an initial determination that the proposed regulatory action would affect small businesses. The action would benefit small business by extending the term of TPPS and gambling business licenses from one to two years, reducing the burden of license renewal by 50%.

CONSIDERATION OF ALTERNATIVES

The Commission must determine that no reasonable alternative, which it considered or that has otherwise been identified and brought to its attention, would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments relevant to the above determinations during the public comment period.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Commission has prepared an initial statement of reasons for this proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of these proposed regulations and of the initial statement of reasons, and all of the information upon which this proposal is based, may be obtained upon request to the California Gambling Control Commission at 2399 Gateway Oaks Drive, Suite 100, Sacramento, CA 95833-4231.

AVAILABILITY AND LOCATION OF THE RULEMAKING FILE AND THE FINAL STATEMENT OF REASONS

All the information upon which the proposed regulations are based is contained in the rulemaking file that is available for public inspection by contacting the person named below. Once it has been prepared, a copy of the final statement of reasons may be obtained by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSONS

Inquiries or comments concerning the proposed action may be addressed to the following primary contact person:

James Allen, Regulatory Actions Coordinator
California Gambling Control Commission
2399 Gateway Oaks Drive, Suite 100,
Sacramento, CA 95833-4231
Telephone: (916) 263-0700
Fax No.: (916) 263-0452
E-mail: jallen@cgcc.ca.gov

The backup contact person is:

Joy Calkin, Office Technician
California Gambling Control Commission
2399 Gateway Oaks Drive, Suite 100,
Sacramento, CA 95833-4231
Telephone: (916) 263-0700
Fax No.: (916) 263-0452
E-mail: jcalkin@cgcc.ca.gov

WEB SITE ACCESS

Materials regarding this proposal can also be found on the Commission's website at www.cgcc.ca.gov. Click on "Laws/Regulations" and then click on "GAMBLING CONTROL ACT REGULATIONS." Finally, click on "2008 Proposed Gambling Control Act Regulations/Documents."

TITLE 8. DIVISION OF WORKERS' COMPENSATION

STATE OF CALIFORNIA DEPARTMENT OF INDUSTRIAL RELATIONS DIVISION OF WORKERS' COMPENSATION

NOTICE OF PROPOSED RULEMAKING

Workers' Compensation — Schedule for Rating Permanent Disabilities

NOTICE IS HEREBY GIVEN that the Acting Administrative Director of the Division of Workers' Compensation (hereinafter "Administrative Director"), exercising the authority vested in her by Labor Code sections 59, 133, 4660, and 5307.3, proposes to adopt regulations contained in Article 7 of Chapter 4.5, Subchapter 1, of Title 8, California Code of Regulations, section 9805, relating to the Schedule for Rating Permanent Disabilities.

PROPOSED REGULATORY ACTION

The Division of Workers' Compensation, proposes to adopt Article 7 of Chapter 4.5, Subchapter 1, of Title 8, California Code of Regulations, section 9805.

Amended section 9805	Schedule	for	Rating
	Permanent		Disabilities,
	Adoption,		Amendment.

TIME AND PLACE OF PUBLIC HEARING

A public hearing has been scheduled to permit all interested persons the opportunity to present statements or arguments, either orally or in writing, with respect to the subjects noted above. The hearing will be held at the following time and place:

Date: Monday, July 21, 2008
Time: 10:00 a.m. to 5:00 p.m., or until conclusion of business
Place: Ronald Reagan State Building —
Auditorium
300 South Spring Street
Los Angeles, California 90013

Date: Tuesday, July 22, 2008
Time: 10:00 a.m. to 5:00 p.m., or until conclusion of business
Place: Elihu Harris State Office Building —
Auditorium
1515 Clay Street
Oakland, California 94612

The state office buildings and their auditoriums are accessible to persons with mobility impairments. Alternate formats, assistive listening systems, sign language interpreters, or other type of reasonable accommodation to facilitate effective communication for persons with disabilities, are available upon request. Please contact the State Wide Disability Accommodation Coordinator, Kathleen Estrada, at 1-866-681-1459 (toll free), or through the California Relay Service by dialing 711 or 1-800-735-2929 (TTY/English) or 1-800-855-3000 (TTY/Spanish) as soon as possible to request assistance.

Please note that public comment will begin promptly at 10:00 a.m. and will conclude when the last speaker has finished his or her presentation or 5:00 p.m., whichever is earlier. If public comment concludes before the noon recess, no afternoon session will be held.

The Administrative Director requests, but does not require, that any persons who make oral comments at the hearing also provide a written copy of their comments. Equal weight will be accorded to oral comments and written materials.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department of Industrial Relations, Division of Workers' Compensation. The written comment period closes at **5:00 p.m., on July 22, 2008**. The Division of Workers' Compensation will consider only comments received at the Division by that time. Equal weight will be accorded to comments presented at the hearing and to other written comments received by 5 p.m. on that date by the Division.

Submit written comments concerning the proposed regulations prior to the close of the public comment period to:

Maureen Gray
Regulations Coordinator
Division of Workers' Compensation, Legal Unit
P.O. Box 420603
San Francisco, CA 94142

Written comments may be submitted by facsimile transmission (FAX), addressed to the above-named

contact person at (510) 286-0687. Written comments may also be sent electronically (via e-mail) using the following e-mail address: dwcrules@dir.ca.gov.

Unless submitted prior to or at the public hearing, Ms. Gray must receive all written comments no later than **5:00 p.m., on July 22, 2008**.

AUTHORITY AND REFERENCE

The Administrative Director is undertaking this regulatory action pursuant to the authority vested in her by Labor Code sections 59, 133, 4660, and 5307.3.

Reference is to Labor Code sections 4660, 4662, 4663, and 4664.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Labor Code section 4660(a) provides that in determining the percentages of permanent disability, account shall be taken of the nature of the physical injury or disfigurement, the occupation of the injured employee, and his or her age at the time of the injury, consideration being given to an employee's diminished future earning capacity.

Labor Code section 4660(b)(1) provides that, in determining the percentages of permanent disability under this section, that the "nature of the physical injury or disfigurement" shall incorporate the descriptions and measurements of physical impairments and the corresponding percentages of impairments published in the American Medical Association (AMA) Guides to the Evaluation of Permanent Impairment, 5th Edition (AMA Guides).

Labor Code section 4660(b)(2) provides that, in determining the percentages of permanent disability under this section, an employee's diminished future earning capacity shall be a numeric formula based on empirical data and findings that aggregate the average percentage of long-term loss of income resulting from each type of injury for similarly situated employees. The section further provides that the Administrative Director shall formulate the adjusted rating schedule based on empirical data and findings from the Evaluation of California's Permanent Disability Rating Schedule, Interim Report (December 2003), prepared by the RAND Institute for Civil Justice, and upon data from additional empirical studies.

Labor Code section 4660(c) provides that the Administrative Director shall amend the permanent disability rating schedule at least once every five years.

Labor Code section 4660(d) provides in part that the schedule shall promote consistency, uniformity, and objectivity, and that any revision made thereof shall apply prospectively and shall apply to and govern only those

permanent disabilities that result from compensable injuries received or occurring on and after the effective date of the adoption of the schedule.

These proposed regulations implement, interpret, and make specific section 4660 of the Labor Code as follows:

Section 9805 — Schedule for Rating Permanent Disabilities, Adoption, Amendment

This section is amended to provide that the method for the determination of percentages of permanent disability is set forth in the Schedule for Rating Permanent Disabilities, which adopts and incorporates by reference the American Medical Association (AMA) Guides to the Evaluation of Permanent Impairment, 5th Edition. The section provides that the schedule shall be amended at least once every five years. Subdivision (a) is added to provide that for dates of injury on or after January 1, 2005, and for dates of injury prior to January 1, 2005 unless otherwise exempt pursuant to subdivision (d) of Labor Code section 4660, the method for the determination of percentages of permanent disability is set forth in the Schedule for Rating Permanent Disabilities, which has been adopted by the Administrative Director effective January 1, 2005. Subdivision (b) is added to provide that for dates of injury on or after January 1, 2009, the method for the determination of percentages of permanent disability is set forth in the Schedule for Rating Permanent Disabilities, which has been adopted by the Administrative Director effective January 1, 2009. The amended section provides that both schedules are incorporated by reference and can be downloaded from the Division of Workers' Compensation website at <http://www.dir.ca.gov/dwc/dwcrep.htm>. A description of how the January 1, 2009, Permanent Disability Rating Schedule differs from the current January 1, 2005 Permanent Disability Rating Schedule is set forth below:

SECTION 1 — INTRODUCTION AND INSTRUCTIONS

I. Introduction

The section has been revised to provide that the schedule applies to compensable injuries received on or after January 1, 2009. The paragraph stating that the calculation of a permanent disability rating is based on an evaluating physician's impairment rating in accordance with the AMA Guides has been brought forward in the section. Further, the section has been revised to provide that the extent of permanent disability that results from an industrial injury can only be assessed once an employee's condition becomes permanent and stationary.

II. Rating Procedures

A. Use of the AMA Guides

The section has been reworded to clarify the use and abbreviations of the whole person impairment scale, the upper extremity scale, and the lower extremity scale.

B. Calculation of Rating

1. Impairment Number

This section remains the same as it is in the January 2005 PDRS.

2. Impairment Standard

This section is revised to reflect the proposed age adjustment factors: the impairment standard is assumed to represent the degree of impairment for a theoretical average worker, i.e., a worker between the ages of 22 to 51 and with average occupational demands on all parts of the body.

3. Adjustment for Diminished Future Earning Capacity

This section is revised to reflect updated Future Earning Capacity (FEC) adjustment values and FEC ranks. The adjustment for an injured worker's diminished future earning capacity is applied to the whole person impairment standard as determined by the evaluating physician.

The FEC adjustment is determined according to a numerical formula based on standard permanent disability ratings and empirical data that aggregate the average percentage of long-term loss of income resulting from each type of injury for similarly situated employees. The formula, a ratio of average standard rating to proportional wage loss for each injury category, was devised by the RAND Institute for Civil Justice in its "Evaluation of California's Permanent Disability Rating Schedule" (December 2003). The result is that the injury categories are placed into different ranges according to their ratio of average standard rating to proportional wage losses. Each range will generate an assigned FEC adjustment for each injury category.

Empirical data recently collected by the Division of Workers' Compensation was used to establish the ratio of average California standard ratings under the 2005 Permanent Disability Rating Schedule to proportional wage losses for each of 11 injury categories. The data is summarized in the following three-part report issued by the Division of Workers' Compensation: "Uncompensated Wage Loss for Injured Workers with Permanent Disabilities" (May 2007); "Wage Loss for Injured Workers with Permanent Disabilities" (June 2007); and "Return to Work Rates for Injured Workers with Permanent Disability" (January 2007). These ratios are listed in Table B below and on page 1-8 of the proposed PDRS. The range of the ratios for the 11 injury categories is .498 (ankle) to 2.462 (knee). This numeric range was divided into eight equal ranges, ranked from 1 to 8.

See Table A below and on page 1–7 of the proposed PDRS. Each injury category falls within one of these eight ranges, based on its rating/wage loss ratio.

A series of FEC adjustment factors were established to correspond to the range of ratios. The smallest adjustment factor is 1.2 which will result in a 20% increase when applied to the AMA whole person impairment rating. The largest is 1.5 which will result in a 50% increase. The FEC adjustment factors are listed in Table A. AMA whole person impairment ratings for injury categories that correspond to a greater relative loss of earning capacity will receive a higher FEC adjustment.

The ratio of standard ratings to wage loss and the corresponding rank for each injury category is provided in Table B. To adjust a whole person impairment standard for earning capacity, the impairment standard is multiplied by the appropriate adjustment factor from Table A and round to the nearest whole number percentage. Section 2 of the proposed PDRS contains a table which provides the earning capacity adjustment for all impairment standards and FEC ranks.

Various injury categories in Table B of the proposed PDRS do not list a ratio of average standard ratings to proportional wage loss. These injury categories, which together account for less than 3% of all ratings, include eyes, toe(s), hearing, respiratory/lung, heart, hip, soft tissue, and post-traumatic head syndrome. Empirical data does not exist to establish a valid statistical sample of standard ratings under the January 2005 PDRS for these injury categories. They remain in the same FEC rank as they were initially assigned under the January 2005 PDRS.

Table A

Range of Ratios			
Low	High	FEC Rank	Adjustment Factor
2.217	2.462	One	1.2
1.971	2.216	Two	1.24286
1.726	1.970	Three	1.28571
1.481	1.725	Four	1.32857
1.235	1.480	Five	1.37143
0.989	1.234	Six	1.41429
0.744	0.988	Seven	1.45714
0.498	0.743	Eight	1.5

Table B

Part of the Body	Ratio of Rating over Losses	FEC Adjustment Factor	FEC Rank
Knee	2.462	1.2	1
Loss of grasping power	1.735	1.28571	3
Psychiatric	1.670	1.32857	4
Elbow	1.623	1.32857	4
Hand/Fingers	0.944	1.45714	7
Shoulder	0.897	1.45714	7
Wrist	0.692	1.5	8
Spine	0.686	1.5	8
Other Arm	0.621	1.5	8
Other Leg	0.586	1.5	8
Ankle	0.498	1.5	8
Eyes		1.2	1
Other		1.24286	2
Toe(s)		1.37143	5
Hip		1.37143	5
Heart		1.37143	5
Soft Tissue		1.41429	6
General Abdominal		1.41429	6
PT Head syndrome		1.41429	6
Respiratory/Lung		1.45714	7
Hearing		1.5	8

The FEC Rank for the “Other” category is based on average ratings and proportional earning losses for the following impairments:

- Impaired rib cage
- Cosmetic disfigurement
- General chest impairment
- Facial disfigurement or impairment
- Impaired mouth or jaw
- Speech impairment
- Impaired nervous system
- Vertigo
- Impaired sense of smell
- Paralysis
- Mental Deterioration
- Epilepsy
- Skull aperture

4. Occupational Grouping

This section is revised to clarify that the requirements of an injured worker’s specific occupation at the time of injury is done by categorizing the worker’s job duties based on a predetermined set of occupational groups. Primary consideration is given to the employee’s actual job duties when assigning an occupational group number.

5. Occupational Variant

This section remains the same as it is in the January 2005 PDRS.

6. Occupational Adjustment

This section remains the same as it is in the January 2005 PDRS.

7. Age Adjustment

This section is revised to indicate that the age adjustment table in Section 6 of the proposed PDRS has been changed based on empirical evidence showing that the percentage of proportional wage loss (the average difference in earnings of comparable uninjured co-workers compared to injured workers, as a percentage of the uninjured group's wages) is higher for the youngest category of workers (21 years of age and younger) and the oldest category of workers (52 years of age and older). For workers between the ages of 22 and 51, there is no statistical correlation between age and wage loss.

8. Final Permanent Disability Rating

This section remains the same as it is in the January 2005 PDRS, with a reference to Subdivisions C.1. and C.2. of the schedule, pages 11 and 12, concerning the combining of multiple impairments and disabilities.)

9. Rating Formula

This section of the Schedule is amended to reflect the revised FEC Adjustment Factor and revised Age Adjustment Factor. The formula is as follows:

15.01.01.00 — 6 — [8]9 — 470H — 12 — 15 PD

Each component is described below:

15.01.01.00 — Impairment number for cervical spine, soft tissue lesion

6 — Whole person impairment standard

[8] — FEC Rank

9 — Rating after adjustment for earning capacity based on FEC Rank 8 (FEC Adjustment Factor 1.5)

470 — Occupational group number for Furniture assembler, heavy

H — Occupational variant

12 — Rating after occupational adjustment

15 — Permanent Disability rating after adjustment for age of 55

C. Additional Rating Procedures

This section remains the same as it is in the January 2005 PDRS.

SECTION 2 — IMPAIRMENT NUMBER/EARNING CAPACITY ADJUSTMENT

Section 2 contains AMA impairment numbers (which identify the injured body part, organ system, and/or nature of injury) and their corresponding FEC Rank. The FEC adjustment table at the end of Section 2 applies the FEC Adjustment Factors (reflected in the

applicable FEC Rank) to any impairment standard rating. The section is amended to reflect the revised FEC Ranks and FEC adjustment factors.

SECTION 3 — OCCUPATIONS AND GROUP NUMBERS

This section remains the same as it is in the January 2005 PDRS.

SECTION 4 — OCCUPATIONAL VARIANTS

This section remains the same as it is in the January 2005 PDRS.

SECTION 5 — OCCUPATIONAL ADJUSTMENT

This section remains the same as it is in the January 2005 PDRS.

SECTION 6 — AGE ADJUSTMENT

Empirical data collected by the Division of Workers' Compensation — a sample of workers injured in 2001 and 2002 — indicates that the youngest workers (20 years of age and younger) and the oldest workers (55 years of age and older) experienced the greatest proportional wage loss as a result of an occupational injury. (Proportional wage loss is defined as the average difference in earnings of comparable uninjured co-workers compared to injured workers, as a percentage of the uninjured group's wages.) For workers whose ages fall in the middle range (between the ages of 20 and 55), proportional wage loss does not have a statistical correlation to age (i.e., an injury to a 25 year old has the same effect as an injury to a 45 year old). The proposed revisions will adjust the age adjustment factors to correspond to empirical data that delineates the relationship between proportional wage loss and age.

SECTION 7 — EXAMPLES

This section sets forth new examples of permanent disability ratings illustrating all the basic components of disability rating, including converting AMA scales, adjusting for diminished future earning capacity, occupation, and age. This section is amended to reflect the revised FEC rank and adjustment factors, and the revised age adjustment factors.

SECTION 8 — COMBINED VALUES CHART

This section remains the same as it is in the January 2005 PDRS.

**DISCLOSURES REGARDING THE
PROPOSED REGULATORY ACTION**

The Administrative Director has made the following initial determinations:

- Significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: None.

- Adoption of this regulation will not: (1) create or eliminate jobs within the State of California; (2) create new businesses or eliminate existing businesses within the State of California; or (3) affect the expansion of businesses currently doing business in California.
- Effect on Housing Costs: None.
- Cost impacts on representative private person or business: The Administrative Director has determined that the proposed regulations will not have a significant adverse economic impact on representative private persons or directly affected businesses. While the proposed revisions will increase the average dollars awarded in permanent disability awards by 16%, an increase of between \$200,000,000 and \$400,000,000 statewide in permanent disability benefits, the increase will be absorbed by other savings resulting from the workers' compensation reforms enacted in recent legislation, most notably SB 899.
- All employers that are governed by the California workers' compensation laws, including the State itself and every local agency, are required to pay permanent partial disability indemnity to injured workers whose injury results in permanent partial disability. Because of the legal requirement to pay permanent partial disability indemnity to injured workers, as many as 400,000 California businesses may be impacted, which represents all businesses with at least one employee. Approximately 500 insurance carriers and 3,000 self-insured employers, which include private corporations and government agencies, may also be impacted.
- Generally, the proposed regulations will result in cost increases affecting all businesses and other entities that employ individuals in the state of California. It is estimated that changes to the Future Earning Capacity Adjustments from the 2005 PDRS will increase the average permanent disability rating by 13%; the average dollars awarded will be increased by 16%. The percentage increases approximate between an additional \$200,000,000 and \$400,000,000 paid in permanent disability benefits.

FISCAL IMPACTS

- Costs or savings to state agencies or costs/savings in federal funding to the State: See above. State government operates under the same workers' compensation system as all other employers in California. As noted above, there will be an

increase in permanent partial disability costs due to revisions in the schedule.

- Local Mandate: None. The proposed regulations will not impose any new mandated programs or increased service levels on any local agency or school district. The potential costs imposed on all public agency employers by these proposed regulations, although not a benefit level increase, are not a new State mandate because the regulations apply to all employers, both public and private, and not uniquely to local governments. The Administrative Director has determined that the proposed regulations will not impose any new mandated programs on any local agency or school district. The California Supreme Court has determined that an increase in workers' compensation benefit levels does not constitute a new State mandate for the purpose of local mandate claims because the increase does not impose unique requirements on local governments. See *County of Los Angeles v. State of California* (1987) 43 Cal.3d 46. The potential costs imposed on all public agency employers and payors by these proposed regulations, although not a benefit level increase, are similarly not a new State mandate because the regulations apply to all employers and payors, both public and private, and not uniquely to local governments.
- Cost to any local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code: None. (See "Local Mandate" section above.)
- Other nondiscretionary costs/savings imposed upon local agencies: None. The proposed regulations do not apply to any local agency or school district. (See "Local Mandate" section above.)

EFFECT ON SMALL BUSINESS

The Administrative Director has determined that the proposed regulations will result in cost increases of varying degrees to small businesses. All employers that are governed by the California workers' compensation laws, including small businesses, are required to provide workers' compensation benefits, and specifically required to pay permanent partial disability indemnity to injured workers whose injury results in permanent partial disability. As noted above, the proposed regulations will increase the average permanent disability rating by 13%; the average dollars awarded will be increased by 16%.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the Administrative Director must determine that no reasonable alternative considered or that has otherwise been identified and brought to the Administrative Director's attention would be more effective in carrying out the purpose for which the actions are proposed, or would be as effective and less burdensome to affected private persons than the proposed actions.

The Administrative Director invites interested persons to present reasonable alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

PUBLIC DISCUSSIONS OF PROPOSED REGULATIONS

Pursuant to Government Code section 11346.45, the text of the draft proposed regulations was made available for pre-regulatory public comment by an advisory group of interested stakeholders and the general public through a posting on the Division's Internet message board (the DWC Forums).

AVAILABILITY OF INITIAL STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, RULEMAKING FILE AND DOCUMENTS SUPPORTING THE RULEMAKING FILE/INTERNET ACCESS

An Initial Statement of Reasons and the text of the proposed regulations in plain English have been prepared and are available from the contact person named in this notice. The entire rulemaking file will be made available for inspection and copying at the address indicated below.

As of the date of this Notice, the rulemaking file consists of the Notice, the Initial Statement of Reasons, proposed text of the regulations, pre-rulemaking comments and the Economic Impact Statement (Form STD 399). Also included are studies and documents relied upon in drafting the proposed regulations.

In addition, the Notice, Initial Statement of Reasons, and proposed text of the regulations being proposed may be accessed and downloaded from the Division's website at www.dir.ca.gov. To access them, click on the "Proposed Regulations — Rulemaking" link and scroll down the list of rulemaking proceedings to find the Audit Regulations link.

Any interested person may inspect a copy or direct questions about the proposed regulations and any sup-

plemental information contained in the rulemaking file. The rulemaking file will be available for inspection at the Department of Industrial Relations, Division of Workers' Compensation, 1515 Clay Street, 17th Floor, Oakland, California 94612, between 9:00 a.m. and 4:30 p.m., Monday through Friday. Copies of the proposed regulations, Initial Statement of Reasons and any information contained in the rulemaking file may be requested in writing to the contact person.

CONTACT PERSON FOR GENERAL QUESTIONS

Non-substantive inquiries concerning this action, such as requests to be added to the mailing list for rulemaking notices, requests for copies of the text of the proposed regulations, the Initial Statement of Reasons, and any supplemental information contained in the rulemaking file may be requested in writing at the same address. The contact person is:

Maureen Gray
Regulations Coordinator
Department of Industrial Relations
Division of Workers' Compensation
P.O. Box 420603
San Francisco, CA 94142
E-mail: mgray@dir.ca.gov

The telephone number of the contact person is (510) 286-7100.

CONTACT PERSON FOR SUBSTANTIVE QUESTIONS

In the event the contact person above is unavailable, or for questions regarding the substance of the proposed regulations, inquiries should be directed to:

George P. Parisotto or Minerva Krohn
Division of Workers' Compensation
P.O. Box 420603
San Francisco, CA 94142
E-mail: gparisotto@dir.ca.gov

The telephone number of this contact person is (510) 286-7100.

AVAILABILITY OF CHANGES FOLLOWING PUBLIC HEARING

If the Administrative Director makes changes to the proposed regulations as a result of the public hearing and public comment received, the modified text with changes clearly shown will be made available for public comment for at least 15 days prior to the date on which the regulations are adopted.

AVAILABILITY OF THE FINAL
STATEMENT OF REASONS

Upon its completion, the final Statement of Reasons will be available and copies may be requested from the contact person named in this notice or may be accessed on the Division's website at www.dir.ca.gov.

AUTOMATIC MAILING

A copy of this Notice, the Initial Statement of Reasons, and the text of the regulations, will automatically be sent to those interested persons on the Administrative Director's mailing list.

If adopted, the regulations with any final amendments will appear in Title 8 of the California Code of Regulations, section 9805. The text of the final regulations also may be available through the website of the Office of Administrative Law at www.oal.ca.gov.

**TITLE 11. COMMISSION ON PEACE
OFFICER STANDARDS AND TRAINING**

**NOTICE OF PROPOSED
REGULATORY ACTION**

**Employment Status Notification — Delete
Regulation 1003, Add Regulations 9040–9041,
Amend Regulation 9073(b)**

Notice is hereby given that the **Commission on Peace Officer Standards and Training (POST)** proposes to delete Regulation 1003, Notice of Appointment/Termination, in Title 11, Division 2 of the California Code of Regulations (CCR). Regulation 1003 is being replaced with Regulations 9040 and 9041, in Title 11, Division 9 of the CCR (a newly assigned section in the CCR for reformatted Commission regulations) and Regulation 9073 is being amended. Pursuant to Government Code § 11346.8, any interested person, or his/her duly authorized representative, may request a public hearing. POST must receive the written request no later than 15 days prior to the close of the public comment period.

Public Comments Due by July 21, 2008, at 5:00 p.m.

Notice is also given that any interested person, or authorized representative, may submit written comments relevant to the proposed regulatory action by fax at 916.227.5271 or by letter to the:

Commission on POST
Attention: Rulemaking
1601 Alhambra Boulevard
Sacramento, CA 95816–7083

Following the close of the public comment period, the Commission may adopt the proposal substantially as described below or may modify the original proposal with sufficiently related changes. With the exception of technical or grammatical changes, the full text of a modified proposal will be available for 15 days prior to its adoption from the person designated in this notice as the contact person. The Commission will also mail the full text to persons who submit written comments related to the proposal or who have requested notification of any changes to the proposal.

Authority and Reference

This proposal is made pursuant to the authority vested by Penal Code §13503 — POST powers and § 13506 — POST authority to adopt regulations. This proposal is intended to interpret, implement, and make specific Penal Code §13503(e), which authorizes POST authority to develop and implement programs to increase the effectiveness of law enforcement, including programs involving training and education courses.

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW

Currently, Regulation 1003 specifies the POST notification requirements for participating departments when appointing peace officers, public safety dispatchers, and records supervisors. This regulation is being revised and reformatted. Significant changes to the regulation include:

- **§9040.** Regulation title has been changed to "Employment Status Notification Requirements."
- **§9040(a)(1).** Notifications shall be made via the Electronic Data Interchange (EDI) system (exception — those departments not registered for EDI)
- **§9040(a)(1)(A)1.a. and b.** Employing department must notify POST of any employed peace officer adjudged guilty of a felony offense or any other reason specified in Government Code 1029. Specifies the notification requirements for peace officers who have been disqualified from peace officer employment [consistent with § 9071(b)].
- **§9040(a)(1)(D)5.** Notification to POST is required for any peace officer promoted or transferred to an "interim or acting" department head position.

- **§9040(b)(1)–(2).** A new section titled, “Employment Status Notification Changes,” has been added to provide requirements for correcting errors entered through the EDI system, and for correcting personnel actions reported to POST that are subsequently changed by a court or administrative hearing judge.
- **§9041(a)(1)–(2).** Adds requirement for the investigating department to notify POST of former peace officers adjudged guilty of a felony offense or any other reason specified in Government Code 1029.
- **§9073(b)** — Amends this section to make it consistent with 9040(a)(1)(A)(3). Employment status notification for records supervisors is required for all records supervisors, not just those applying for a certificate.

Local Mandate

This proposal does not impose a mandate on local agencies or school districts.

Fiscal Impact Estimates

This proposal does not impose costs on any local agency or school district for which reimbursement would be required pursuant to Part 7 (commencing with § 17500) of the Government Code, Division 4. This proposal does not impose other nondiscretionary cost or savings on local agencies. This proposal does not result in any cost or savings in federal funding to the state.

Costs or Savings to State Agencies

POST anticipates no additional costs or savings to state agencies.

Business Impact/Small Businesses

The Commission has made an initial determination that this regulatory proposal would have no significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states. The proposal does not affect small businesses, as defined by Government Code §11342.610, because the Commission sets selection and training standards for law enforcement and does not have an impact on California businesses, including small businesses.

Assessment Regarding Effect on Jobs/Businesses

The Commission has determined that this regulatory proposal will not have any impact on the creation or elimination of jobs and will not result in the elimination of existing businesses or the creation or expansion of businesses in the State of California.

Cost Impacts on Representative Private Persons or Businesses

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs

None

Alternatives

The Commission must determine that no reasonable alternative considered by the agency, or otherwise identified and brought to the agency’s attention, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective as, and less burdensome to, affected private persons than the proposed action.

Contact Persons

Please direct inquiries or written comments about the proposed regulatory action to the following:

Dave Spisak
Commission on POST
1601 Alhambra Boulevard
Sacramento, CA 95816–7083
916.227.0539 or Dave.Spisak@post.ca.gov
916.227.5271 (FAX)

or

Jackie McGovern
Commission on POST
1601 Alhambra Boulevard
Sacramento, CA 95816–7083
916.227.4839 or Jackie.McGovern@post.ca.gov

Text of Proposal

Individuals may request copies of the exact language of the proposed regulations and of the initial statement of reasons, and the information the proposal is based upon, from the Commission on POST at 1601 Alhambra Boulevard, Sacramento, CA 95816. These documents are also located on the POST website at: <http://www.post.ca.gov/RegulationNotices/RegulationNotices.asp>.

Availability and Location of the Rulemaking File and the Final Statement of Reasons

The rulemaking file contains all information upon which POST is basing this proposal and is available for public inspection by contacting the person(s) named above.

To request a copy of the Final Statement of Reasons once it has been prepared, submit a written request to the contact person(s) name above.

TITLE 13. AIR RESOURCES BOARD**NOTICE OF PUBLIC HEARING TO
CONSIDER AMENDMENTS TO THE
CURRENT SPARK-IGNITION MARINE
ENGINE AND BOAT REGULATIONS**

The Air Resources Board (the Board or ARB) will conduct a public hearing at the time and place noted below to consider adoption of amendments to the California regulations and test procedures for new spark-ignition marine engines and boats, to the California regulations for in-use compliance regarding new spark-ignition marine engines and boats, and to the California procedures for exemption of add-on and modified parts for new spark-ignition marine engines and boats. The purposes of staff's proposed amendments are to provide greater compliance flexibility to the regulated industry, specifically manufacturers of high performance stern-drive/inboard engines, and to enhance alignment with proposed United States Environmental Protection Agency (U.S. EPA) regulations. A summary of the amendments proposed by staff is provided in the section "Description of the Proposed Regulatory Action" later in this notice.

DATE: July 24, 2008

TIME: 9:00 a.m.

PLACE: California Environmental Protection
Agency
Air Resources Board
Byron Sher Auditorium
1001 I Street
Sacramento, CA 95814

This item will be considered at a two-day meeting of the Board, which will commence at 9:00 a.m., July 24, 2008, and may continue at 8:30 a.m., July 25, 2008. This item may not be considered until July 25, 2008. Please consult the agenda for the meeting, which will be available at least 10 days before July 24, 2008, to determine the day on which this item will be considered.

If you have a disability-related accommodation need, please go to <http://www.arb.ca.gov/html/ada/ada.htm> for assistance or contact the ADA Coordinator at (916) 323-4916. If you are a person who needs assistance in a language other than English, please contact the Bilingual Coordinator at (916) 324-5049. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

**INFORMATIVE DIGEST OF PROPOSED ACTION
AND POLICY STATEMENT OVERVIEW**

Sections Affected: Proposed adoption of amendments to sections 2111, 2112, and Appendix A, within Chapter 2, Article 2.1, Title 13, California Code of Regulations (13 CCR); section 2139 within Chapter 2, Article 2.3, 13 CCR, section 2147 within Chapter 2, Article 2.4, 13 CCR; sections 2440, 2441, 2442, 2443.1, 2443.2, 2443.3, 2444.1, 2444.2, and 2445, and proposed repeal of Section 2448, within Chapter 9, Article 4.7, 13 CCR; and proposed adoption of amendments to the following documents incorporated by reference in Section 2447, 13 CCR: "California Exhaust Emission Standards and Test Procedures for 2001 Model Year and Later Spark-Ignition Marine Engines," as last amended September 22, 2006, and in Section 2474, 13 CCR: "Procedures for Exemption of Add-On and Modified Parts for Off-Road Categories," as adopted July 14, 2000.

Background: Health and Safety Code sections 43013 and 43018 direct ARB to achieve the maximum feasible and cost effective emission reductions from all mobile source categories, including spark-ignition marine engines, through the setting of emission standards and other requirements.

The U.S. EPA first promulgated exhaust emission standards for new outboard and personal watercraft (OB/PWC) engines in 1996. However, the benefits of the federal rulemaking were insufficient to meet California's air quality goals and State Implementation Plan (SIP) requirements. Therefore, ARB adopted exhaust emission regulations for these OB/PWC spark-ignition recreational marine engines in 1998. At that time the Board approved regulations that accelerated the 2006 federal standards to begin in 2001 in California. The regulations also set more stringent standards for these engines to be implemented in 2004 and 2008. As of this current year 2008, OB/PWC engines in California will meet exhaust emission standards that are numerically 65 percent less (i.e., more stringent) than federal exhaust emission standards.

On July 26, 2001, the Board approved amendments to the spark-ignition marine regulations (Title 13, CCR, section 2440 et seq.) to include new sterndrive and inboard (SD/I) engines. Those amendments included the adoption of two sets of exhaust standards and the incorporation of on-board diagnostics (OBD-M) for SD/I engines. The first set of standards capped hydrocarbons plus oxides of nitrogen (HC+NOx)¹ emissions at 16.0 grams per kilowatt-hour (g/kW-hr) for all 2003 through 2006 model year engines. This is equivalent to California's most stringent exhaust standard for OB/PWC engines. The second set of standards required the

¹ Includes only the nonmethane portion of hydrocarbons.

phase-in of a catalyst-based 5.0 g/kW-hr HC+NO_x standard from 2007–2009 (45/75/100 percent) and OBD–M.

On November 17, 2005, the Board approved amendments to the original SD/I regulations to provide engine manufacturers with an emissions neutral option to delay the 2007 introduction of engines meeting the catalyst-based second tier standards by one year in exchange for full product line compliance in 2008 and limited evaporative permeation control. The Board also provided temporary relief to manufacturers of high performance SD/I engines greater than 373 kilowatts (>373 kW) by delaying the second tier standard (5.0 g/kW-hr HC+NO_x) for these engines until 2009, and by allowing them to meet the standard through averaging. The Board adopted other relief provisions during this rulemaking such as revised durability periods and default certification levels for high performance engines. The Board also directed staff to track U.S. EPA's progress and to consider proposing CO standards and to consider harmonizing with other U.S. EPA requirements if appropriate for California.

Description of the Proposed Regulatory Action:

Staff's proposed amendments to the emission standards and test procedures for spark-ignition marine engines are meant to address issues that have developed since the Board's 2005 rulemaking and to enhance alignment with other ARB and U.S. EPA regulations. Primarily, staff is proposing to modify the high performance (>373 kW) SD/I engine exhaust emissions standards to address concerns regarding the use of catalytic converters on high performance engines and to address the resulting change in emissions benefits by considering other measures, including enhanced evaporative controls for those engines.

Staff is also proposing to streamline the regulations by incorporating additional compliance flexibility provisions and by harmonizing requirements with U.S. EPA to the extent feasible while allowing California to attain its goals for improved air quality.

Staff's proposed amendments are of two general types, those:

- 1) To Be Harmonized with U.S. EPA
 - Carbon Monoxide Standards (all spark-ignition marine categories)
 - Total Hydrocarbon Standards (all spark-ignition marine categories)
 - Not-To-Exceed Limits (all spark-ignition marine, except SD/I > 373 kW)
 - Revised Definitions for OB/PWC and SD/I Engines
 - Revised Jet Boat Engine Standards
 - Standardized Engine Rebuilding Practices (all spark-ignition marine categories)

For this group of amendments, staff is proposing that the Board direct staff to align with the final federally promulgated regulations (described in next section) where appropriate.

- 2) To Retain California-Specific Provisions
 - Revised High Performance Engine Requirements (SD/I > 373 kW)
 - Revised OBD–M Requirements (SD/I engines)
 - Limited Averaging Provision (SD/I engines)
 - Hardship Allowance Provisions (SD/I engines)
 - Voluntary Five-Star Standards (all spark-ignition marine categories)
 - Replacement Engine Provisions (all spark-ignition marine categories)
 - Clarifications and Miscellaneous Requirements

For this group of amendments, staff is proposing that the Board direct staff to review the final federally promulgated regulations and align the final California regulations where possible while maintaining California-specific provisions.

A more detailed description of staff's proposal is included in the Staff Report: Initial Statement of Reasons for Rulemaking to Consider Amendments to the Current Spark-Ignition Marine Engine and Boat Regulations.

COMPARABLE FEDERAL REGULATIONS

U.S. EPA promulgated regulations in 1996 for OB/PWC engines; however, this regulation did not apply to SD/I pleasurecraft. On May 18, 2007, U.S. EPA published a Notice of Proposed Rulemaking (NPRM) in the Federal Register for nonroad spark-ignition engines and equipment that would institute a federal SD/I regulation generally harmonizing with the existing California exhaust standards for OB/PWC and SD/I engines. The NPRM also proposed the adoption of CO standards and evaporative control requirements for OB/PWC and SD/I engines and boats. Furthermore, the NPRM proposed to include the methane component of hydrocarbon in its certification standard for gasoline fueled engines and to incorporate general relief provisions for unforeseen technical and economic hardships that may befall engine or equipment manufacturers. U.S. EPA is expected to promulgate a final rulemaking for OB/PWC and SD/I standards this year.

BENEFITS OF THE PROPOSAL

Staff's objectives in recommending the revisions proposed herein to California's spark-ignition marine regulations and test procedures are to provide harmonization with proposed federal requirements and to address technical concerns regarding the use of catalytic

converters on high performance engines. Because the proposal would be no more expensive to industry as a whole than meeting the current 2009 requirements, the estimated maximum California cost-effectiveness would remain at \$2.08 to 3.39/lb HC+NO_x reduced for all SD/I engines as calculated for the 2001 rulemaking. This cost-effectiveness continues to be well within the range of other control measures adopted by the Board. The cost effectiveness for OB/PWC engines would also remain unchanged by this proposal at \$0.32 to \$3.57 per pound of NMHC+NO_x reduced since no additional control technologies would be required to meet the proposed CO and NTE standards.

AVAILABILITY OF DOCUMENTS AND AGENCY CONTACT PERSONS

The Board staff has prepared a Staff Report: Initial Statement of Reasons (ISOR) for the proposed regulatory action, which includes a summary of the economic and environmental impacts of the proposal. The report is entitled: "Staff Report: Initial Statement of Reasons for Rulemaking, Public Hearing to Consider Amendments to the Current Spark-Ignition Marine Engine and Boat Regulations."

Copies of the ISOR and the full text of the proposed regulatory language, in underline and ~~strikeout~~ format to allow for comparison with the existing regulations, may be accessed on the ARB's web site listed below, or may be obtained from the Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, 1st Floor, Sacramento, CA 95814, (916) 322-2990 at least 45 days prior to the scheduled hearing on July 24, 2008.

Upon its completion, the Final Statement of Reasons (FSOR) will be available and copies may be requested from the agency contact persons in this notice, or may be accessed on the ARB's web site listed below.

Inquiries concerning the substance of the proposed regulation may be directed to the designated agency contact persons, Mr. Scott Rowland, at (626) 575-6676 or srowland@arb.ca.gov, or Mr. Jeff Lowry, at (626) 575-6841 or jlowry@arb.ca.gov.

Further, the agency representative and designated back-up contact persons to whom nonsubstantive inquiries concerning the proposed administrative action may be directed are Ms. Lori Andreoni, Board Administration & Regulatory Coordination Unit, (916) 322-4011, or Ms. Trini Balcazar, Regulations Coordinator, (916) 445-9564. The Board has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

This notice, the ISOR and all subsequent regulatory documents, including the FSOR, when completed, are available on the ARB Internet site for this rulemaking at www.arb.ca.gov/regact/2008/marine08/marine08.htm.

COSTS TO PUBLIC AGENCIES AND TO BUSINESSES AND PERSONS AFFECTED

The determinations of the Board's Executive Officer concerning the costs or savings necessarily incurred by public agencies and private persons and businesses in reasonable compliance with the proposed regulations are presented below.

Pursuant to Government Code sections 11346.5(a)(5) and 11346.5(a)(6), the Executive Officer has determined that the proposed regulatory action would not create costs or savings to any state agency or in federal funding to the state, costs or mandate to any local agency or school district whether or not reimbursable by the state pursuant to part 7 (commencing with section 17500), division 4, title 2 of the Government Code, or other nondiscretionary cost or savings to state or local agencies. The ARB may incur additional implementation or enforcement costs at some future time.

In developing this regulatory proposal, the ARB staff evaluated the potential economic impacts on representative private persons or businesses. The ARB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

The Executive Officer has made an initial determination that the proposed regulatory action would not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, or on representative private persons.

In accordance with Government Code section 11346.3, the Executive Officer has determined that the proposed regulatory action would not affect the creation or elimination of jobs within the State of California, the creation of new businesses or elimination of existing businesses within the State of California, or the expansion of businesses currently doing business within the State of California. A detailed assessment of the economic impacts of the proposed regulatory action can be found in the ISOR.

The Executive Officer has also determined, pursuant to title 1, CCR, section 4, that the proposed regulatory action would not affect small businesses because there will be no incremental cost, or an insignificant cost, associated with staff's proposal in addition to those already needed to comply with current regulations.

In accordance with Government Code sections 11346.3(c) and 11346.5(a)(11), the Executive Officer

has found that the reporting requirements of the regulation which apply to businesses are necessary for the health, safety, and welfare of the people of the State of California.

Before taking final action on the proposed regulatory action, the Board must determine that no reasonable alternative considered by the board or that has otherwise been identified and brought to the attention of the board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action. A detailed assessment of the economic impacts of the proposed regulatory action can be found in the ISOR.

SUBMITTAL OF COMMENTS

Interested members of the public may also present comments orally or in writing at the meeting, and in writing or by e-mail before the meeting. To be considered by the Board, written comments submissions not physically submitted at the meeting must be received **no later than 12:00 noon, July 24, 2008**, and addressed to the following:

Postal mail: Clerk of the Board, Air Resources
Board
1001 I Street, Sacramento,
California 95814

Electronic submittal: [http://www.arb.ca.gov/
lispub/comm/bclist.php](http://www.arb.ca.gov/lispub/comm/bclist.php)

Facsimile submittal: (916) 322-3928

Please note that under the California Public Records Act (Government Code section 6250 et seq.), your written and oral comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request. Additionally, this information may become available via Google, Yahoo, and any other search engines.

The Board requests but does not require that 30 copies of any written statement be submitted and that all written statements be filed at least 10 days prior to the hearing so that ARB staff and Board Members have time to fully consider each comment. The board encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action.

STATUTORY AUTHORITY AND REFERENCES

This regulatory action is proposed under that authority granted in Health and Safety Code, sections 39600, 39601, 43013, 43018, 43101, 43102, 43104, and 43105. This action is proposed to implement, interpret and make specific sections 43013, 43017, 43018, 43101, 43102, 43104, 43105, 43150-43154, 43205.5, and 43210-43212.

HEARING PROCEDURES

The public hearing will be conducted in accordance with the California Administrative Procedure Act, title 2, division 3, part 1, chapter 3.5 (commencing with section 11340) of the Government Code.

Following the public hearing, the Board may adopt the regulatory language as originally proposed, or with non-substantial or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice that the regulatory language as modified could result from the proposed regulatory action; in such event the full regulatory text, with the modifications clearly indicated, will be made available to the public, for written comment, at least 15 days before it is adopted.

The public may request a copy of the modified regulatory text from the ARB's Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, 1st Floor, Sacramento, CA 95814, (916) 322-2990.

TITLES 13 AND 17. CALIFORNIA AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER THE ADOPTION OF A PROPOSED REGULATION FOR FUEL SULFUR AND OTHER OPERATIONAL REQUIREMENTS FOR OCEAN-GOING VESSELS WITHIN CALIFORNIA WATERS AND 24 NAUTICAL MILES OF THE CALIFORNIA BASELINE

The Air Resources Board (ARB or Board) will conduct a public hearing at the time and place noted below to consider adoption of a regulation to reduce diesel particulate matter (diesel PM), particulate matter (PM), nitrogen oxides (NOx), and sulfur oxides (SOx) by requiring the use of low sulfur marine distillate fuels in auxiliary diesel and diesel-electric engines, main propulsion diesel engines, and auxiliary boilers in ocean-going vessels operating within Regulated California Waters.

DATE: July 24, 2008
 TIME: 9:00 a.m.
 PLACE: California Environmental Protection
 Agency
 Air Resources Board
 Byron Sher Auditorium, Second Floor
 1001 I Street
 Sacramento, CA 95814

This item will be considered at a two-day meeting of the ARB, which will commence at 9:00 a.m., July 24, 2008, and may continue at 8:30 a.m., July 25, 2008. This item may not be considered until Friday, July 25, 2008. Please consult the agenda for the meeting, which will be available at least 10 days before July 24, 2008, to determine the day on which this item will be considered.

For individuals with sensory disabilities, this document is available in Braille, large print, audiocassette or computer disk. Please contact ARB's Disability Coordinator at (916) 323-4916 by voice or through the California Relay Services at 711, to place your request for disability services. If you are a person with limited English and would like to request interpreter services, please contact ARB's Bilingual Manager at (916) 323-7053.

INFORMATIVE DIGEST OF PROPOSED ACTION AND POLICY STATEMENT OVERVIEW

Sections Affected: Proposed adoption of new section 2299.2, title 13, California Code of Regulations (CCR) and new section 93118.2, title 17, CCR. The following documents would be incorporated in the regulations by reference: (1) International Standard ISO 8217, "Specifications of Marine Fuels Requirements for Marine Residual Fuels," (as revised in 2005); (2) International Standard ISO 8754, "Determination of Sulfur Content — Energy-dispersive X-ray Fluorescence Method," (as adopted in 2003); (3) ASTM Designation E 29-93a, "Standard Practice for Using Significant Digits in Test Data to Determine Conformance with Specifications" (published May 1993); and (4) the following National Oceanic and Atmospheric Administration (NOAA) Nautical Charts, as authored by the NOAA Office of Coast Survey: (A) Chart 18600, Trinidad Head to Cape Blanco (January 2002), (B) Chart 18620, Point Arena to Trinidad Head (June 2002), (C) Chart 18640, San Francisco to Point Arena (August 2005), (D) Chart 18680, Point Sur to San Francisco (June 2005), (E) Chart 18700, Point Conception to Point Sur (July 2003), (F) Chart 18720, Point Dume to Purisima Point (January 2005), and (G) Chart 18740, San Diego to Santa Rosa Island (April 2005).

Background:

Emissions from ocean-going vessels are significant sources of air pollution and have an adverse impact on public health and air quality. Ocean-going vessels are responsible for approximately 20 percent of the statewide goods-movement related diesel PM emissions and about 12 percent of the statewide NOx emissions.¹ Ocean-going vessels also contribute significantly to community health risks. Recent ARB studies at the Ports of Los Angeles and Long Beach and in the West Oakland community found that of the port-related emissions, ships are responsible for over half of the increased population-weighted cancer risks in nearby communities. Since 2004, the ARB has adopted several regulations to address emissions from marine vessels, which include cleaner fuels and emission standards for commercial harbor craft, lower-sulfur fuels in ocean-going ship auxiliary diesel engines, and further restrictions for using auxiliary diesel engines on commercial vessels while docked at a California port.² However, significant opportunities exist to further reduce emissions from ocean-going vessels.

Control of Criteria Air Pollutants

Health and Safety Code (H&S) sections 43013 and 43018 direct ARB to adopt standards and regulations that the Board has found to be necessary, cost-effective, and technologically feasible for various mobile source categories, including off-road diesel engines and equipment such as marine vessels, through the setting of emission control requirements. Specifically, H&S section 43013(b) directs ARB to adopt such standards and regulations for marine vessels to the extent permitted by federal law.

Control of Toxic Air Contaminants

The California Toxic Air Contaminant Identification and Control Program (Air Toxics Program), established under California law by Assembly Bill 1807 (Stats. 1983, ch. 1047) and set forth in H&S sections 39650 through 39675, requires ARB to identify and control air toxics in California. The identification phase of the Air Toxics Program requires ARB, with participation of

¹ 2005 ARB Goods Movement Emissions Inventory

² ARB's fuel standards for harbor craft are codified at title 13, CCR, section 2299. ARB's operational requirements for ships berthed at dock were approved for adoption by the Board at its December 2007 hearing (proposed title 13, CCR, section 2299.3 and title 17, CCR, section 93118.3). ARB's fuel standards and other requirements for diesel auxiliary and diesel-electric engines on ocean-going vessels are codified at title 13, CCR, section 2299.1 and title 17, CCR, section 93118, which were later declared to be emission standards, as drafted, and preempted without federal authorization under Clean Air Act section 209(e). *Pacific Merchant Shipping Ass'n v. James Goldstene*, No. 07-16695 (9th Cir. Feb. 27, 2008). The proposed regulatory action is intended to apply non-preempted operational fuel requirements to these auxiliary and diesel-electric engines.

other state agencies such as the Office of Environmental Health Hazard Assessment, to evaluate the health impacts of, and exposure to substances, and to identify those substances that pose the greatest health threat as toxic air contaminants (TACs). ARB's evaluation is made available to the public and is formally reviewed by the Scientific Review Panel (SRP) established under H&S section 39670. Following ARB's evaluation and the SRP's review, the Board may formally identify a TAC at a public hearing. Following identification, H&S sections 39658, 39665, and 39666 require ARB, with participation of the air pollution control and air quality management districts (districts), and in consultation with affected sources and interested parties, to prepare a report on the need and appropriate degree of regulation for that substance (a "needs assessment") and to adopt airborne toxic control measures (ATCMs).

In 1998, the Board identified diesel PM as a TAC with no Board-specified threshold exposure level. A needs assessment for diesel PM was conducted between 1998 and 2000, which resulted in ARB staff developing and the Board approving a Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles (Diesel RRP) in 2000. The Diesel RRP presented information that identified the available options for reducing diesel PM and recommended control measures to achieve further reductions. The scope of the Diesel RRP was broad, addressing all categories of engines, both mobile and stationary, and included control measures for off-road diesel engines, such as those covered by the proposed regulation. The ultimate goal of the Diesel RRP is to reduce California's diesel PM emissions and associated cancer risks 85 percent from 2000 baseline levels by 2020. The proposed regulation would reduce diesel PM emissions and the local health impacts from main engines, auxiliary diesel and diesel-electric engines, and auxiliary boilers aboard ocean-going ships while operating in Regulated California Waters and would assist the Board with meeting the 2020 Diesel RRP goal.

Attainment of Ambient Air Quality Standards

The federal Clean Air Act (CAA) requires the U.S. Environmental Protection Agency (U.S. EPA) to establish National Ambient Air Quality Standards (national standards) for pollutants considered harmful to public health, including fine particulate matter (PM_{2.5}) and ozone. Set to protect public health, the national standards are adopted based on a review of health studies by experts and a public process. Ambient PM_{2.5} is associated with premature mortality, aggravation of respiratory and cardiovascular disease, asthma exacerbation, chronic and acute bronchitis and reductions in lung function. Ozone is a powerful oxidant. Exposure to ozone can result in reduced lung function, increased re-

spiratory symptoms, increased airway hyper-reactivity, and increased airway inflammation. Exposure to ozone is also associated with premature death, hospitalization for cardiopulmonary causes, and emergency room visits for asthma.

Areas in the State that exceed the national standards are required by federal law to develop State Implementation Plans (SIPs) describing how they will attain the standards by certain deadlines. Diesel PM and PM emission reductions are needed because they contribute to ambient concentrations of PM_{2.5}; NO_x emission reductions are needed because NO_x leads to formation in the atmosphere of both ozone and PM_{2.5}; and SO_x emission reductions are needed because SO_x leads to the formation in the atmosphere of PM_{2.5}. At this time, the South Coast Air Basin is required to attain the PM_{2.5} standard by 2015. U.S. EPA further requires that all necessary emission reductions be achieved one calendar year sooner — by 2014 — in recognition of the annual average form of the standard.

The ARB has adopted revisions to the South Coast ozone and PM_{2.5} SIPs and has submitted the SIPs to the U.S. EPA. Air quality modeling indicates that significant reductions in diesel PM, PM, NO_x and SO_x are needed to meet the PM_{2.5} standards. The strategy to achieve attainment of the PM_{2.5} standards in the South Coast Air Basin includes a 68 percent reduction in SO_x emissions, a 55 percent reduction in NO_x emissions, and a 15 percent reduction in direct PM_{2.5} emissions from 2006 baseline levels. The diesel PM, PM, NO_x, and SO_x, emission reductions from the proposed regulation would play an essential role in assisting the South Coast Air Basin with meeting its 2014 PM_{2.5} deadline as well as its future ozone deadlines.

As part of the submittal, ARB has also requested from U.S. EPA a reclassification of the South Coast Air Basin to "extreme" nonattainment for ozone, which will give the Basin until 2023 to attain the federal ozone standard. Air quality modeling indicated that by 2023, NO_x emissions will need to be reduced by almost 90 percent — to 12 percent of the 2006 levels — to meet the current national 8-hour ozone standard.

The federal CAA permits states to adopt more protective air quality standards if needed, and California has set standards for particulate matter and ozone that are more protective of public health than respective federal standards. The Bay Area, South Coast, and San Diego areas are nonattainment for the State standards for ozone and PM_{2.5}. Health and Safety Code section 40911 requires the local air districts to submit plans to the Board for attaining the State ambient air quality standards, and H&S section 40924 requires triennial updates of those plans. The NO_x, SO_x, and PM_{2.5} emission reductions from the proposed regulation will

assist the districts in achieving attainment of the State ambient air quality standards.

Control of Emissions from Goods Movement–related Activities

In April 2006, the Board approved the Emission Reduction Plan for the Ports and Goods Movement in California (GMERP). The GMERP identifies strategies for reducing emissions created from the movement of goods through California ports and into other regions of the State. The GMERP is part of the broader Goods Movement Action Plan (GMAP) being jointly carried out by the California Environmental Protection Agency and the Business, Transportation, and Housing Agency. Phase I of the GMAP was released in September 2005 and highlighted the air pollution impacts of goods movement and the urgent need to mitigate localized health risk in affected communities. The final GMAP was released in January 2007 and includes a framework that identifies the key contributors to goods movement–related emissions.

The GMERP identifies numerous strategies for reducing emissions from all significant emission sources involved in goods movement, including ocean–going vessels, commercial harbor craft, cargo handling equipment, locomotives, and trucks. The GMERP identifies several strategies for reducing emissions from ships, including the use of low sulfur fuels in ocean–going vessels. The proposed regulation would represent a significant step toward satisfying the GMERP goals by establishing fuel sulfur content limits for auxiliary diesel and diesel–electric engines, main engines, and auxiliary boilers beginning in 2009, with even lower sulfur content limits being required in 2012.

Authority

The ARB has authority under California law to adopt the proposed regulations. Health and Safety Code sections 43013(b) and 43018 provide broad authority for ARB to adopt emission standards and other regulations to reduce emissions from new and in–use vehicular, nonvehicular and other mobile sources. Under H&S sections 43013(b) and 43018, ARB is directly authorized to adopt emission standards and other regulations for marine vessels, as expeditiously as possible and to the extent permitted by federal law, to meet State ambient air quality standards. The ARB is further mandated by California law under H&S section 39666 to adopt ATCMs for new and in–use nonvehicular sources, including marine vessels such as ocean–going vessels, for identified TACs such as diesel PM.

Emission Reductions and Public Health Benefits Projected

The proposed regulation is expected to significantly reduce emissions of diesel PM, PM, NO_x, and SO_x

from ocean–going vessel auxiliary diesel and diesel electric engines, main engines, and auxiliary boilers. Diesel PM emission reductions are needed to reduce cancer risk, premature mortality, and other adverse impacts from exposure to this TAC. The proposal would help achieve the 2020 goal set forth in the 2000 Diesel RRP of reducing diesel PM by 85 percent from 2000 baseline levels and the 2015 and 2020 goals of the GMERP.

Reductions in diesel PM, PM, NO_x (which forms “secondary” nitrate PM in the atmosphere), and SO_x (which forms “secondary” sulfate PM in the atmosphere) will also contribute to regional PM reductions that will assist in California’s progress toward achieving State and federal air quality standards. Reductions in NO_x, an ingredient in the formation of ozone pollution, will help reduce regional ozone levels. In 2010, the proposed regulation is expected to reduce diesel PM and PM emissions by about 13 tons per day (TPD), NO_x emissions by about 10 TPD, and SO_x emissions by about 110 TPD throughout California. Most of these reductions will be realized near ports, where environmental justice concerns are especially prevalent, and in coastal urban areas. Many of these coastal areas are non–attainment for the State and federal ambient air quality standards for PM₁₀, PM_{2.5}, and ozone.

Staff also evaluated the proposed regulation’s impacts on greenhouse gas emissions. Based on a total fuel cycle analysis of the carbon dioxide (CO₂) emissions associated with a switch to marine distillate fuels, ARB staff estimates that there potentially could be a slight 1–2% increase in global CO₂ emissions. This net change in fuel–cycle CO₂ emissions is primarily a function of the increased energy required at the refining stage to produce compliant distillate fuels. This offsets the decreased CO₂ emissions from ship operations. The decrease in CO₂ emissions from ship operations results primarily from the higher energy content of the distillate fuel, as compared to heavy fuel oil. But these results assume no effort by refineries to improve energy efficiency while maintaining, upgrading, or expanding their capacity to produce distillate fuels. Therefore, this potential fuel–cycle increase in CO₂ emissions may be conservatively high.

Staff Report and Further Information

As described in more detail below, ARB staff has prepared as part of this rulemaking a Staff Report: Initial Statement of Reasons (Staff Report). Together with the needs assessment (i.e., the Diesel RRP), these two documents serve as the report on the need and appropriate degree of regulation for ocean–going ship main engines, auxiliary diesel and diesel–electric engines, and auxiliary boilers.

Description of the Proposed Regulatory Action:

Under the approach proposed by staff, the Board would approve adoption of two separate but essentially identical regulations, pursuant to its authority under H&S sections 43013(b) and 43018, which would apply to the emissions from auxiliary diesel and diesel-electric engines, main propulsion engines, and auxiliary boilers on ocean-going vessels operating within any of the Regulated California Waters (as defined in the proposal). The Board would also approve adoption of essentially identical provisions as an ATCM, pursuant to its authority under H&S section 39666, which would complement the regulation and provide maximum notice to the regulated community of the regulatory requirements on ocean-going vessels. These measures will hereinafter sometimes be referred to collectively as the proposed regulations.”

Applicability

The proposal applies to any person who owns, operates, charters, rents, or leases any ocean-going vessel that operates in any of the Regulated California Waters, regardless of the country in which the vessel is flagged or registered. The Regulated California Waters include all California internal waters, all California estuarine waters, all California ports, roadsteads, and terminal facilities, and all waters within 24 nautical miles of the California baseline except for specified areas along the Southern California coastline (a more detailed description is provided in the regulatory proposal).

The proposed regulation includes language explicitly stating and clarifying that the proposal does not change or supersede any existing United States Coast Guard (USCG) regulations, and vessel owners and operators are responsible for ensuring that they meet all applicable USCG regulations, as well as the proposed regulation.

Exemptions

The proposed regulation includes several exemptions. First, the proposal does not apply to vessel voyages that are comprised of continuous and expeditious navigation through any Regulated California Waters for the purpose of traversing such bodies of water without entering California internal or estuarine waters or calling at a port, roadstead, or terminal facility. An exemption is included for steamships whose primary propulsion and electrical power are provided by steam boilers. The proposed regulation does not apply to vessels owned or operated by any branch of local, state, or federal government, or by a foreign government, when the vessels are operated on government non-commercial service. The proposed requirements exclude all emergency generators, and it also excludes auxiliary engines, main engines, and auxiliary boilers while such engines are using alternative fuel in Regulated California

Waters. The proposed regulation does not apply if the vessel master reasonably and actually determines that compliance with the requirements would endanger the safety of the vessel, its crew, its cargo, or its passengers because of severe weather conditions, equipment failure, fuel contamination, or other extraordinary reasons beyond the master's reasonable control. Finally, the proposed requirements do not apply to vessels that have been granted a temporary experimental exemption by the Executive Officer for the duration of the approved exemption.

In-Use Operational Requirements

Staff's proposal would require vessel operators to ensure that their auxiliary diesel engines and diesel-electric engines operating in Regulated California Waters operate with either marine gas oil (MGO), with a maximum of 1.5 percent sulfur by weight, or marine diesel oil (MDO), with a maximum of 0.5 percent sulfur by weight, beginning upon the effective date of the regulation as approved by the Office of Administrative Law. Staff's proposal would require vessel operators to ensure that their main engines and auxiliary boilers operating in Regulated California Waters operate with either marine gas oil (MGO), with a maximum of 1.5 percent sulfur by weight, or marine diesel oil (MDO), with a maximum of 0.5 percent sulfur by weight, beginning July 1, 2009. Beginning on January 1, 2012, vessel operators would need to ensure that their auxiliary diesel and diesel-electric engines, main engines and auxiliary boilers operating in Regulated California Waters operate with either MGO or MDO, each limited to a maximum of 0.1 percent sulfur by weight. As noted below, vessel operators would be allowed under specified circumstances to pay a noncompliance mitigation fee for a limited duration in lieu of meeting the in-use operational requirements above.

Recordkeeping

Any person subject to the regulation will be required to maintain specified records in English for a minimum of three years. Staff has designed these requirements to minimize any impacts on vessel crews by relying on existing recordkeeping procedures to the extent possible. Additionally, the proposal requires records be retained and maintained documenting fuel switch over procedures.

Reporting, Monitoring, and Right of Entry

The information required to be recorded, as specified in the proposal, would have to be supplied in writing to the Executive Officer, but only upon request. Some of the recordkeeping required by the proposal may already be recorded to comply with other regulations or standardized practices. In these cases, the information may be provided to ARB in a format consistent with these regulations or practices, as long as the required in-

formation is provided. Ship owners or operators must also supply additional information as requested that may be necessary to determine compliance with the proposed regulations. To monitor compliance with the requirements of the proposal, vessel owners or operators would have to provide access to the records necessary to establish compliance with the requirements of the proposal, as well as access to fuel tanks or pipes for the purpose of collecting fuel samples for testing and analysis.

Other Provisions

The proposed regulation allows a vessel owner or operator, under restricted and specified circumstances, to pay a fee in lieu of complying with the in-use operational requirements. A vessel owner or operator using this mechanism would have to notify the Executive Officer of the vessel's noncompliance condition prior to the vessel entering Regulated California Waters. Also, the situations under which the fee provision could be used are limited to a finite set of specific circumstances, all of which must be documented (i.e., a "needs" demonstration). Further, the fee increases substantially with each subsequent port visit, which serves as an effective deterrent to continued use of the fee and an incentive to meet the in-use operational requirements as quickly as possible.

To use this option, the ship owner or operator would need to submit the required notification and mitigation fee, along with evidence demonstrating that the person meets the required conditions for participation in the program. The mitigation fees collected under this program may be deposited in the port's Noncompliance Fee Settlement and Air Quality Mitigation Fund to be used at the ports that are visited; emission reductions from marine and port related sources would be funded with these mitigation fees to benefit nearby affected communities. The fees would be disbursed pursuant to contracts entered into between the participating ports and ARB. If no such port fund exists, the fees would be deposited into the California Air Pollution Control Fund.

Through December 31, 2014, all or part of the fuel use requirements would be waived for vessels requiring essential modifications in order to use the specified fuel, provided certain criteria and documentation requirements are met and approved by the Executive Officer. Vessel operators would be required to use the low sulfur fuel to the maximum extent feasible without the need for essential modifications (e.g., closer to shore, in a subset of the ship's engines, etc.).

Test Methods and Other Incorporated Documents

The proposal references International Standard ISO 8217, as revised in 2005 by the International Organization for Standardization (ISO). This standard includes

the properties necessary for a fuel to qualify as DMX or DMA grade fuel (marine gas oil), or DMB grade fuel (marine diesel oil), and specifies the test methods for determining compliance with each of these properties. The proposal also references the test method (ISO 8754, as adopted in 2003) to be used for determining the sulfur level of these fuels, as well as the rounding method of ASTM Designation E 29-93a, Standard Practice for Using Significant Digits in Test Data to Determine Conformance with Specifications (published May 1993).

Violations

The proposal specifies that any violation of the requirements or other provisions would subject the person who committed the violation to the penalties, injunctive relief, and other remedies available under Health and Safety Code section 42400 et seq., other applicable sections of the Health and Safety Code, and other applicable provisions of California law for each violation. The proposal further specifies that each failure to meet a requirement, criteria, or provision of the regulation would constitute a single, separate violation for each hour that a person operates an ocean-going vessel within Regulated California Waters until the provision, criteria, or requirement has been met.

Sunset Provision

The "sunset" provision directs the Executive Officer to propose for the Board's consideration the termination of the proposed regulations under specified conditions. This would occur if the Executive Officer determines that the International Maritime Organization or the U.S. EPA has adopted regulations that will achieve equivalent benefits compared to the proposed regulation. This provision recognizes that, while California is authorized to require the use of low sulfur fuel on and regulate the emissions from ocean-going vessels, it would be preferable to regulate such emissions on a national or international basis.

Review of Baseline and Test Methods

This provision directs the Executive Officer to periodically review the California baseline determinations and conduct a public hearing to consider appropriate updates to the baseline. The definition for "Regulated California Waters" is based partly on the definition of "baseline," which generally follows the California coastline but is subject to change due to erosion and accretion. The baseline is published on official charts authored by NOAA, and as NOAA modifies the charts, the Executive Officer can determine at that time whether revisions to the proposed regulation are necessary.

Similar to the baseline review, this provision also directs the Executive Officer to periodically review the test methods cited in the proposal and hold a public

hearing to consider recommended changes to the Board as needed.

For the Executive Officer to conduct the hearings on the baseline and test methods specified, the Board will need to delegate such authority to the Executive Officer. The ARB staff intends to seek such express delegation as part of the Board resolution to this proposal.

Severability

This proposed regulation states that if any part of the regulation is held to be invalid, the remainder of the regulation shall continue to be effective.

COMPARABLE FEDERAL REGULATIONS

There are no current federal regulations that are comparable to the proposed regulation. The U.S. EPA adopted regulations — title 40, Code of Federal Regulations (CFR), parts 89 and 94 — that govern the emissions from “Category 2” (between 5 and 30 liters per cylinder displacement) and “Category 3” (at or above 30 liters per cylinder displacement) compression-ignition engines used on ocean-going vessels. While the U.S. EPA regulations apply to ocean-going vessels, they differ significantly from the staff’s proposal in several ways. First, the federal regulations apply only to new engines to be installed on vessels, and only to engines installed on U.S.-flagged vessels. By contrast, the staff’s proposal applies to in-use auxiliary diesel and diesel-electric engines, main diesel engines and auxiliary boilers on all ocean-going vessels that visit California ports, including both U.S. and foreign-flagged vessels. Further, the U.S. EPA regulation in 40 C.F.R., part 94, does not apply to the diesel PM or PM emissions from the regulated Category 3 engines, whereas the staff’s proposal places a major emphasis on the control of toxic diesel PM emissions, as well as NOx and SOx, on all auxiliary diesel engines, diesel electric engines, main diesel engines, including Category 3 engines, and auxiliary boilers. Because of these differences, the federal regulations are not comparable to the staff’s proposal.

AVAILABILITY OF DOCUMENTS AND AGENCY CONTACT PERSONS

The Board staff has prepared a Staff Report: Initial Statement of Reasons (ISOR) for the proposed regulatory action, which includes a summary of the potential environmental and economic impacts of the proposal. The ISOR is entitled, “Staff Report: Initial Statement of Reasons for the Proposed Regulation for Fuel Sulfur and Other Operational Requirements for Ocean-Going Vessels within California Waters and 24 Nautical Miles of the California Baseline.”

Copies of the Staff Report with the full text of the proposed regulatory language may be accessed on the ARB’s web site listed below, or may be obtained from the Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, 1st Floor, Sacramento, CA 95814, (916) 322-2990, at least 45 days prior to the scheduled hearing on July 24, 2008.

Upon its completion, the Final Statement of Reasons (FSOR) will be available and copies may be requested from the agency contact persons in this notice, or may be accessed on the ARB’s web site listed below.

Inquiries concerning the substance of the proposed regulations may be directed to the designated agency contact persons, Peggy Taricco, Manager of the Technical Analysis Section, at (916) 323-4882 or by email at ptaricco@arb.ca.gov, or Bonnie Soriano, Air Resources Engineer, at (916) 327-6888 or by email at bsoriano@arb.ca.gov.

Further, the agency representative and designated back-up contact persons to whom nonsubstantive inquiries concerning the proposed administrative action may be directed are Lori Andreoni, Manager, Board Administration & Regulatory Coordination Unit, (916) 322-4011, and Amy Whiting, Regulations Coordinator, (916) 322-6533. The Board has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

This notice, the Staff Report, and all subsequent regulatory documents, including the FSOR, when completed, are also available on the ARB Internet site for this rulemaking at <http://www.arb.ca.gov/regact/2008/fuelogv08/fuelogv08.htm>.

COSTS TO PUBLIC AGENCIES AND TO BUSINESSES AND PERSONS AFFECTED

The determinations of the Board’s Executive Officer concerning the costs or savings necessarily incurred by public agencies and private persons and businesses in reasonable compliance with the proposed regulations are presented below.

Costs to Local and State Government Agencies

Pursuant to Government Code section 11346.5(a)(5) and 11346.5(a)(6), the Executive Officer has determined that the proposed regulatory action would not create costs or savings to any state agency or in federal funding to the state, costs or mandate to any local agency or school district whether or not reimbursable by the state pursuant to Part 7 (commencing with section 17500), Division 4, Title 2 of the Government Code, except as discussed below, or other nondiscretionary savings to state or local agencies.

Costs to Businesses and Private Individuals

In developing this regulatory proposal, the ARB staff evaluated the potential economic impacts on representative private persons or businesses. The Executive Officer has determined that although most vessel owners will need to switch to more expensive marine distillate fuels while operating in Regulated California Waters in order to comply with the proposed regulation, these costs are a small fraction of the overall operating costs. We therefore expect no significant impacts on affected businesses. On average, we estimate the added annual fuel cost for a typical vessel operator to be about \$300,000 to \$700,000 per company depending on the year. For the entire ocean-going shipping fleet that visits California, we estimate an added annual fuel cost to range from about \$140 million in 2009 (when the rule is implemented mid-year) to \$360 million in 2014 (the final year of cost analysis). The added cost of the regulation represents about 1 percent of the total costs of a typical trans-Pacific voyage. We do not expect that the proposed regulation will result in significant capital costs to ship operators, since most vessels are unlikely to need to make modifications to use distillate fuel.

The Executive Officer has determined that, because the added costs of the proposed regulations are a small percentage of the overall operating costs, no significant impact on ship operators, businesses that import or export goods, California port competitiveness, or on individuals purchasing such goods is expected, even if all these costs were passed on to the consumer.

The Executive Officer has made an initial determination that the proposed regulatory action would not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, or on representative private persons. A number of businesses are integrally linked to the goods that travel through California ports. However, we do not believe that the added costs of the proposed regulations are high enough for ship operators to consider alternative ports outside California.

In accordance with Government Code section 11346.3, the Executive Officer has determined that the proposed regulatory action would not affect the creation or elimination of jobs within the State of California, the creation of new businesses or elimination of existing businesses within the State of California, or the expansion of businesses currently doing business within the State of California. A detailed assessment of the economic impacts of the proposed regulatory action can be found in the ISOR.

The Executive Officer has also determined that, pursuant to title 1, CCR, section 4, the proposed regulatory action would not affect small businesses because we do

not believe that the ship operators subject to this proposal would qualify as small businesses due to the large capital and operating costs associated with vessel operation.

The Executive Officer has also determined that there is a possibility the proposed regulatory action will result in a positive impact on business creation due to additional sales of marine fuels in California beginning in 2012, when vessel operators must use 0.1 percent sulfur marine gas oil or marine gas oil to meet the specified emission limits. This is because California is expected to have 0.1 percent sulfur fuel available and the regulation contains a provision that allow vessel operators, unable to obtain compliant fuel at a foreign port, to purchase compliant fuel upon arriving at a California port without having to pay a noncompliance fee.

In accordance with Government Code sections 11346.3(c) and 11346.5(a)(11), the Executive Officer has found that the reporting requirements of the regulations that apply to businesses are necessary for the health, safety, and welfare of the people of the State of California.

In accordance with H&S section 43013(a) and (b), the Executive Officer has determined that the standards and other requirements in the proposed regulations are necessary, cost-effective, and technologically feasible for auxiliary diesel and diesel-electric engines, main engines, and auxiliary boilers operated on ocean-going vessels within the Regulated California Waters.

Before taking final action on the proposed regulatory action, the Board must determine that no reasonable alternative considered by the agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

SUBMITTAL OF COMMENTS

The public may present comments relating to this matter orally or in writing at the hearing, and in writing or by e-mail before the hearing. To be considered by the Board, written submissions must be received **no later than 12:00 noon, Pacific Standard Time, July 23, 2008**, and addressed to the following:

- Postal mail: Clerk of the Board, Air Resources Board
1001 I Street, Sacramento, California 95814
- Electronic submittal: <http://www.arb.ca.gov/lispub/comm/bclist.php>
- Facsimile submittal: (916) 322-3928

Please note that under the California Public Records Act (Government Code section 6250 et seq.), your written and oral comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request. Additionally, this information may become available via Google, Yahoo, and other search engines.

The Board requests but does not require 30 copies of any written submission. The Board also requests that written, facsimile, and e-mail statements be filed at least 10 days prior to the hearing so that ARB staff and Board Members have time to fully consider each comment. The ARB encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action.

Additionally, the Board requests but does not require that persons who submit written comments to the Board reference the title of the proposal in their comments to facilitate review.

STATUTORY AUTHORITY AND REFERENCES

This regulatory action is proposed under the authority granted to ARB in sections 39600, 39601, 39658, 39659, 39666, 41510, 41511, 43013, and 43018, Health and Safety Code; and *Western Oil and Gas Ass'n v. Orange County Air Pollution Control District*, 14 Cal.3rd 411, 121 Cal.Rptr. 249 (1975). This regulatory action is proposed to implement, interpret, or make specific sections 39000, 39001, 39002, 39003, 39515, 39516, 39650, 39658, 39659, 39666, 41510, 41511, 43013, 43016, and 43018, Health and Safety Code; and *Western Oil and Gas Ass'n v. Orange County Air Pollution Control District*, 14 Cal.3rd 411, 121 Cal.Rptr. 249 (1975).

HEARING PROCEDURES

The public hearing will be conducted in accordance with the California Administrative Procedure Act, title 2, division 3, part 1, chapter 3.5 (commencing with section 11340) of the Government Code.

Following the public hearing, the ARB may adopt the regulatory language as originally proposed or with non-substantial or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice that the regulatory language as modified could result from the proposed regulatory action. In the event that such modifications are made, the full regulatory text, with the modi-

fications clearly indicated, will be made available to the public for written comment at least 15 days before it is adopted.

The public may request a copy of the modified regulatory text from the ARB's Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, 1st Floor, Sacramento, California 95814, (916) 322-2990.

TITLE 15. CORRECTIONS STANDARDS AUTHORITY

NOTICE OF PROPOSED AMENDMENT TO TITLE 15, MINIMUM STANDARDS FOR LOCAL DETENTION FACILITIES AND MINIMUM STANDARDS FOR LOCAL JUVENILE FACILITIES, CALIFORNIA CODE OF REGULATIONS, BY THE STATE CORRECTIONS STANDARDS AUTHORITY

Pursuant to Penal Code Sections 6030(e), (f) and 5007.7 and Welfare and Institutions Code Section 222, the State Corrections Standards Authority (CSA) hereby gives notice of the proposed regulatory action(s) described in this public notice. It is the intent of the CSA to amend and adopt the regulations contained in Title 15, Division 1, Subchapter 4, California Code of Regulations (known as the Minimum Standards for Local Detention Facilities) and Title 15, Division 1, Subchapter 5, California Code of Regulations (known as the Minimum Standards for Juvenile Facilities), after considering all comments, objections, and recommendations regarding these regulations.

PUBLIC HEARING

The CSA will hold the following public hearing:

DATE: July 21, 2008

TIME: 10:00 a.m. – 12:00 Noon

LOCATION San Diego Sheriffs Department
Headquarters
9621 Ridgehaven Court
San Diego, CA 92123

This location is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The CSA requests, but does not require, that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing. The hearing will remain open only as long as persons in attendance are presenting testimony.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the CSA. The written comment period closes at **5:00 p.m. on July 21, 2008**. The CSA will consider only comments received at CSA offices by that time. Submit comments to:

Rebecca Craig, Field Representative
600 Bercut Drive
Sacramento, CA 95814
Phone: (916) 324-2600
rebecca.craig@cdcr.ca.gov
Fax: (916) 327-3317

AUTHORITY AND REFERENCE

Penal Code Section 6030 and Welfare and Institutions Code Sections 210 and 885 authorizes the CSA to adopt and amend the proposed regulations, which would implement, interpret, or make specific Sections 6030(e), (f) and 5007.7 of the Penal Code and Section 222 of the Welfare and Institutions Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The CSA proposes to adopt Section 1417, and amend sections 1029, 1206, 1248, 1357, 1358 and 1461 of Title 15 of the California Code of Regulations. New statutory language includes specific mandates requiring that pregnant adults and minors have a balanced, nutritious diet and vitamins recommended by a doctor; requires facilities to provide education regarding childbirth and infant care; and prohibits restraint while in labor, during transport, delivery and in recovery after giving birth pursuant to Penal Code Sections 6030(e), (f) and 5007.7, and Welfare and Institutions Code Section 222.

Summary of Existing Laws

Title 15 regulations discuss the management of pregnant adults and minors; however, the current regulations leave the specific components of care to be defined by the nurses and physicians at a facility in cooperation with the facility administrator. Penal Code Sections 6030(e), (f) and 5007.7 and Welfare and Institutions Code Section 222 require that CSA develop additional regulations specific to the management of pregnant adults and minors confined in correctional facilities. Penal Code Section 6030(e) requires that inmates who are received by the facility while they are pregnant are provided all of the following:

- (1) A balanced, nutritious diet approved by a doctor.

- (2) Prenatal and postpartum information and health care, including, but not limited to, access to necessary vitamins as recommended by a doctor.

- (3) Information pertaining to childbirth education and infant care.

Penal Code Section 6030(f) provides that at no time shall a woman who is in labor be shackled by the wrists, ankles, or both including during transport to a hospital, during delivery, and while in recovery after giving birth, except as provided in Penal Code Section 5007.7.

Section 222(b) of the Welfare and Institutions Code requires that a ward shall not be shackled by the wrists, ankles, or both during labor, including during transport to a hospital, during delivery, and while in recovery after giving birth, subject to the security needs described in this section. Pregnant wards temporarily taken to a hospital outside the facility for the purposes of childbirth shall be transported in the least restrictive way possible, consistent with the legitimate security needs of each ward. Upon arrival at the hospital, once the ward has been declared by the attending physician to be in active labor, the ward shall not be shackled by the wrists, ankles, or both, unless deemed necessary for the safety and security of the ward, the staff, and the public.

Summary of Existing Regulations

Existing standards that prescribe requirements for local adult and juvenile detention facilities are promulgated by the Corrections Standards Authority. These regulations are contained in Title 15—Crime Prevention and Corrections, Division 1, Chapters 1, Subchapters 4 and 5 of the California Code of Regulations (CCR).

Summary of Effect

The proposed action would update Title 15, Division 1, Chapter 1, Subchapters 4 and 5 CCR adopting new and revised language to implement statutes requiring the special management of pregnant adults and minors. The proposed action adds statutory requirements found in Penal Code Sections 6030(e), (f) and 5007.7 and Welfare and Institutions Code Section 222 as it pertains to diet, vitamins, education regarding childbirth and infant care, and limitations on the use of restraints for pregnant adults and minors.

Comparable Federal Statutes or Regulations

There are no comparable federal regulations or statutes.

Policy Statement Overview

The broad objective of the proposed action is to update regulations for local adult and juvenile detention facilities in conformance with statutory changes.

Minimum Standards for Local Detention Facilities:

Section 1029. Policy and Procedures Manual. This regulation outlines the policy and procedures that must be included in a facility's manual. The recommended

change incorporates the requirements of Penal Code Section 6030(f), which deals with restraining pregnant inmates.

Section 1206. Health Care Procedures Manual. This regulation illustrates what policies and procedures must be contained in a facility's health care procedures manual. The recommended revisions would add provisions required by Penal Code Section 6030(e), 2 and 3.

Section 1248. Medical Diets. This regulation describes the requirements for medical diets for inmates in custody. The recommended revision incorporates the requirements of Penal Code Section 6030(e), 1.

Minimum Standards for Local Juvenile Facilities:

Section 1358. Use of Physical Restraints. This regulation describes the requirements for the use of physical restraints on minors in custody. The regulation currently states that it does not apply to the use of restraints (handcuffs, shackles, etc.) when used to restrain minors for movement or transportation. The new language emphasizes that restraints (handcuffs, shackles, etc.) on pregnant minors is limited by statutory language.

Section 1461. Minimum Diet. This regulation describes the requirements for the minimum diet for minors in custody. It also requires a supplemental snack for pregnant minors if medically indicated. The new language requires a balanced and nutritious diet approved by a doctor as required by statute. This currently occurs in local juvenile facilities.

Section 1417. Pregnant Minors. This new regulation adds statutory requirements found in Penal Code Section 6030(e) and Welfare and Institutions Code Section 222 as it pertains to diet, vitamins, education, and limitations regarding the use of restraints for pregnant minors.

Section 1357. Use of Force. This regulation describes the requirements for the use of force in local juvenile facilities. The regulation applies to the use of restraints (handcuffs, shackles, etc.) for movement, transportation, or for safety purposes. The new statutory language limiting the use of restraints is included in this section to assure that these limitations are included when crafting policies and procedures for the use of force.

DISCLOSURE REGARDING THE PROPOSED ACTION

The CSA has made the following initial determinations:

Mandate on local agencies and school districts: Yes.

Cost or savings to any state agency: None

Cost to any local agency or school district which must be reimbursed in accordance with Government Code Sections 17500 through 17630: Yes

Other nondiscretionary costs or savings imposed on local agencies: None

Costs or savings in federal funding to the state: None.

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.

Cost impacts on a representative private person or businesses: The CSA is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Adoption of these regulations will not:

- (1) Create or eliminate jobs within California.
- (2) Create new businesses or eliminate existing businesses within California.
- (3) Affect the expansion of businesses currently doing business within California.

Significant effect on housing costs: None.

Small Business Determination:

The CSA has determined that the proposed regulations will have no affect on small businesses. These proposed regulations affect the operations and programs for local adult and juvenile detention facilities.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the CSA must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The CSA invites interested parties to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearings or during the written comment period.

CONTACT PERSON

Inquiries concerning the proposed administrative action may be directed to:

Rebecca Craig, Field Representative
600 Bercut Drive
Sacramento, CA 95814
Phone: (916) 324-2600
rebecca.craig@cdcr.ca.gov
Fax: (916) 327-3317

Or

Ron Bertram, Field Representative
600 Bercut Drive
Sacramento, CA 95814
Phone: (916) 445-1322
Ron.Bertram@cdcr.ca.gov
Fax: (916) 327-3317

Questions on the substance of the proposed regulations may be directed to Ms. Craig or Mr. Bertram.

Please direct requests for copies of the proposed text of the regulation, the Initial Statement of Reasons, the modified text of the regulation, if any, or other information upon which this rulemaking is based to Ms. Craig at the above contact information.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Initial Statement of Reasons and text of the proposed regulations, as well as the rulemaking file, which includes all the information on which this proposal is based, is available for viewing at the CSA's office at the above address.

AVAILABILITY OF MODIFIED TEXT

If the CSA makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the CSA adopts the regulations as revised.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be accessed through the CSA website at www.csa.ca.gov. Those persons who do not have access to the Internet may submit a written request to Rebecca Craig at the above address.

AVAILABILITY OF DOCUMENTS; INTERNET ACCESS

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in strikeout and underline can be accessed through our website at www.csa.ca.gov. Those persons who do not have access to the Internet may submit a written request to Rebecca Craig at the above address.

TITLE 22. DEPARTMENT OF COMMUNITY SERVICES AND DEVELOPMENT

NOTICE OF INTENTION TO AMEND THE CONFLICT-OF-INTEREST CODE OF THE DEPARTMENT OF COMMUNITY SERVICES AND DEVELOPMENT

NOTICE IS HEREBY GIVEN that the Department of Community Services and Development (CSD), pursuant to the authority vested by Government Code Section 87306 proposes amendment to the department's Conflict-of-Interest Code. The purpose of these amendments is to implement the requirements of Government Code Sections 87300 through 87302, and 87306.

The Department of Community Services and Development proposes to amend its Conflict-of-Interest Code to include technical clean-up of typographical error(s) and one employee position that involves the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in Government Code, Section 87302(a). This amendment reflects a new classification within CSD. Copies of the amended code are available and may be requested from the contact person identified below.

Any interested person may submit to the contact person identified below statements, arguments, or comments relating to the proposed amendments by submitting them in writing no later than Friday, August 8, 2008, or at the conclusion of the public hearing, if requested, whichever comes later.

A public hearing has been scheduled concerning the proposed amendments on Tuesday, August 19, 2008 from 9 a.m. to 12:00 p.m. at the Department of Community Services and Development located at 700 N. 10th Street, Room 220 (Quiet Room), Sacramento, CA 95811.

The Department of Community Services and Development prepared a written explanation of the reasons for the proposed amendments. Copies of the proposed amendments, the written explanation of reasons, and the information on which the amendments are based may be obtained by contacting the contact person identified below.

The Department of Community Services and Development has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.

3. Impose no cost on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, businesses or small businesses.

In making these proposed amendments, the Department of Community Services and Development must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the amendments are proposed or would be as effective and less burdensome to affected persons than the proposed amendments.

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to:

Department of Community Services and Development
 Shellene Evans
 700 N. 10th Street
 Human Resources
 Sacramento, CA 95811
 916-341-4384
 sevans@csd.ca.gov

TITLE 22. EMPLOYMENT DEVELOPMENT DEPARTMENT

June 6, 2008

Amendment of Title 22, California Code of Regulations Sections 2706-2, 3302-1, and 3303.1(c)-1

FAMILY TEMPORARY DISABILITY INSURANCE BENEFITS

Notice of Proposed Rulemaking

The Employment Development Department (Department) proposes to amend California Code of Regulations (CCR), title 22, sections 2706-2, 3302-1, and 3303.1(c)-1 to clarify changes and minor enhancements to existing regulatory language to articulate the intent of the specified provisions and ensure proper administration of the Family Temporary Disability Insurance (FTDI) program.

The Department will adopt these regulations after considering all comments, objections, or recommendations regarding the proposed regulatory action.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The enactment of Senate Bill (SB) 1661 (Chapter 901, Statutes 2002) and SB 727 (Chapter 797, Statutes 2003) established FTDI, known as Paid Family Leave (PFL), within the State Disability Insurance (SDI) program. The FTDI benefit provides partial wage replacement to workers taking family care leave and is administered by the Department in accordance with the provisions of Part 2 (commencing with section 2601) of the California Unemployment Insurance Code (code). FTDI benefits are provided to workers unable to perform their regular or customary work when they provide care for a seriously ill child, spouse, parent, registered domestic partner or bond with a new minor child. Eligibility for FTDI benefits commenced on July 1, 2004.

The Department promulgated regulations in 2004 to interpret and ensure compliance with relevant statutes. Included in the regulations are definitions for terms and examples specific to FTDI. Since the implementation of the FTDI program, the Department has diligently provided benefits to workers taking family care leave. However, the Department has identified the need to make clarifying changes and minor enhancements to existing regulatory language to articulate the intent of the specified provisions and ensure proper administration of the program.

Under the code sections 305 and 306, the Department is authorized to adopt, amend, or repeal regulations for the administration of the functions of the Department. Under code sections 2625, 2706, and 2708, SDI benefits are payable from the Disability Fund to individuals who file a claim for benefits in accordance with authorized regulations and are eligible to receive such benefit payments.

The proposed amendments to CCR, title 22, sections 2706-2, 3302-1, and 3303.1(c)-1, are necessary to articulate the regulatory intent of each provision and provide consistency with statutes.

Authority and Reference:

Authority: Sections 305 and 306, Unemployment Insurance Code.

Reference: Sections 140.5, 1253, 2656, 2701.5, 2706, 3300, 3302 and 3303.1, Unemployment Insurance Code.

Fiscal Impact:

Anticipated costs or savings in federal funding to the State: None

Anticipated costs or savings to any State Agency:
None

Anticipated costs or savings to any local agency or school district: None

Significant statewide adverse economic impact:
The Department does not anticipate this regulatory action will result in any costs to the federal government, to State government, to local county governments, to private individuals, or to businesses and small businesses. Thus, no costs were shown on the Economic and Fiscal Impact Statement.

The Department has made an initial determination that the proposed amendments will not have a significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states because these proposals clarify existing regulations regarding SDI and PFL benefits without imposing any new requirements on businesses. The Department has determined that the proposed amendments will not affect the creation or elimination of jobs within the State of California; the creation of new businesses or the elimination of existing businesses within the State of California; or the expansion of businesses currently doing business within the State of California.

The cost impact on representative persons or businesses: The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Anticipated impact on housing costs: The proposed amendments will have no effect on housing costs.

Anticipated non-discretionary costs or savings imposed upon local agencies: None

Small Business Impact:

The proposed amendments in and of themselves will have no effect on small businesses because they do not impose any new mandates on small businesses. The proposed amendments do not require that small businesses take any action or refrain from taking any action in regards to conducting business.

Local Mandate Determination:

The Department has determined that these proposed amendments will not impose any new mandates on school districts or other local governmental agencies or any new mandates which must be reimbursed by the State pursuant to Part 7 (commencing with section 17500), Division 4 of the Government Code.

Consideration of Alternatives:

In accordance with section 11346.5(a)(13) of the Government Code, the Department must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the

purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulatory action.

Written Comment Period:

Any interested person, or his or her authorized representative, may submit written comments on the proposed action to Laura Colozzi via U.S. mail, e-mail, or fax (see U.S. mail and e-mail addresses and fax number indicated below). **E-mail comments should include true name and mailing address of the commentor. Written comments submitted via U.S. mail, e-mail, or fax, must be received by the Department no later than July 21, 2008, at 5 p.m.** Please submit any written comments before that time. The Department cannot accept written comments after the close of the public comment period.

Contact Persons

Inquiries or comments should be directed to:

(Mailing address) Laura Colozzi, Legal Analyst
Employment Development
Department
P. O. Box 826880
Legal Office, MIC 53
Sacramento, CA 94280-0001

(Hand delivery) Laura Colozzi, Legal Analyst
Employment Development
Department
800 Capitol Mall, Room 5020
Legal Office, MIC 53
Sacramento, CA 95814

Telephone No.: (916) 654-7712
Fax No.: (916) 654-9069
E-Mail Address: edlegal@edd.ca.gov

Note: In the event Laura is unavailable, inquiries should be directed to the following backup contact persons at the same address as noted above:

Name: Penny Ayers, Legal Analyst
Telephone No.: (916) 654-8410

Questions regarding the substance of the proposed regulatory action should be directed at this time to:

Name: Laura Colozzi, Legal Analyst
Telephone No.: (916) 654-7712

Internet Website Access

The Department has posted on its internet website <http://www.edd.ca.gov> materials regarding the pro-

posed regulatory action. Select "Proposed EDD Regulations."

Public Hearing:

No public hearing has been scheduled on the proposed action. However, if any person desires to submit oral comments, the Department will schedule a public hearing upon that person's written request. **Such request must be received no later than 15 days prior to the close of the written comment period which is 5 p.m. on July 21, 2008.** A request for hearing can be made by contacting the persons noted above.

Modification of Proposed Action:

If the Department makes any additional changes based on public testimony, those changes (other than nonsubstantial or solely grammatical modifications) will be made available for public comment for at least 15 days before they are adopted. Copies of any additional changes regarding the proposed regulatory action will be mailed to all persons who testified or submitted written comments at the public hearing (if one is scheduled); whose comments were received by the agency during the public comment period; and who requested notification from the agency of the availability of such changes.

Final Statement of Reasons:

After the close of the 45-day public comment period, the Department will summarize and respond to all public comments in a written final statement of reasons. To obtain a copy of the final statement of reasons, contact the persons noted above, or access the Department's Internet website at <http://www.edd.ca.gov>.

Further Information:

The Department has prepared and has available for review, upon request, the text of the proposed regulations discussed in this notice, written in plain English; a statement of reasons setting forth the purpose of the proposed regulations; and the information upon which the Department relied in proposing the regulations. (If you received this notice by mail, a copy of the text of the proposed regulations and the statement of reasons were enclosed.) To obtain a copy, contact the persons noted above, or access the Department's Internet website at <http://www.edd.ca.gov>.

All the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review. For inquiries regarding the rulemaking file or the regulations' process, contact the persons noted above.

GENERAL PUBLIC INTEREST

**DEPARTMENT OF FAIR EMPLOYMENT
AND HOUSING**

NOTICE IS HEREBY GIVEN that the prospective contractors listed below have been required to submit a Nondiscrimination Program (NDP) or a California Employer Identification Report (CEIR) to the Department of Fair Employment and Housing, in accordance with the provisions of Government Code Section 12990. No such program or (CEIR) has been submitted and the prospective contractors are ineligible to enter into State contracts. The prospective contractor's signature on Standard Form 17A, 17B, or 19, therefore, does not constitute a valid self-certification. Until further notice, each of these prospective contractors in order to submit a responsive bid must present evidence that its Nondiscrimination Program has been certified by the Department.

ASIX Communications, Inc.
DBA ASI Telesystems, Inc.
21150 Califa Street
Woodland Hills, CA 91367

Bay Recycling
800 77th Avenue
Oakland, CA 94621

C & C Disposal Service
P.O. Box 234
Rocklin, CA 95677

Choi Engineering Corp.
286 Greenhouse
Marketplace, Suite 329
San Leandro, CA 94579

Fries Landscaping
25421 Clough
Escalon, CA 95320

Marinda Moving, Inc.
8010 Betty Lou Drive
Sacramento, CA 95828

MI-LOR Corporation
P.O. Box 60
Leominster, MA 01453

Peoples Ridesharing
323 Fremont Street
San Francisco, CA 94105

San Diego Physicians & Surgeons Hospital
446 26th Street
San Diego, CA

Southern CA Chemicals
8851 Dice Road
Santa Fe Springs, CA 90670

Tanemura and Antle Co.
1400 Schilling Place
Salinas, CA 93912

Turtle Building Maintenance Co.
8132 Darien Circle
Sacramento, CA 95828

Univ Research Foundation
8422 La Jolla Shore Dr.
La Jolla, CA 92037

Vandergoot Equipment Co.
P.O. Box 925
Middletown, CA 95461

DEPARTMENT OF FISH AND GAME

Department of Fish and Game —

Public Interest Notice

For Publication June 6, 2008

CESA CONSISTENCY DETERMINATION REQUEST FOR

Interstate 680 Sunol Grade Southbound Project
Santa Clara and Alameda Counties
2080–2008–006–03

The Department of Fish and Game (Department) received a notice on May 16, 2008, that the California Department of Transportation (Caltrans) proposes to rely on a consultation between federal agencies to carry out a project that may adversely affect species protected by the California Endangered Species Act (CESA). This project consists of the construction and operation of a new southbound High Occupancy Vehicle (HOV) lane, auxiliary lane, ramp metering, and related improvements along a 21.7-mile stretch of I-680 beginning at the interchange of I-680 with Calaveras Road/SR 237 in the City of Milpitas, in Santa Clara County, continuing through the City of Fremont in Alameda County, and ending at the Stoneridge Drive interchange in the City of Pleasanton, also in Alameda County (Project). Project activities associated with staging and construction will result in temporary impacts to habitat suitable for the Alameda whipsnake (*Masticophis lateralis euryxanthus*). The Project will also result in permanent impacts to 5.76 acres habitat suitable for the Alameda whipsnake.

The U.S. Fish and Wildlife Service (Service) issued a “no jeopardy” federal biological opinion (1–1–07–F–0358)(BO) and incidental take statement (ITS) to Caltrans (designated as lead agency as per Memorandum of Understanding with the Federal Highway Administration) on October 2, 2007, which considered the effects of the project on the Federally and State threatened Alameda whipsnake. The Service issued an amendment to the Biological Opinion on May 13, 2008. Pursuant to California Fish and Game Code Section 2080.1, Caltrans is requesting a determination that the BO and ITS, as amended, are consistent with CESA for purposes of the proposed Project. If the Department determines the BO and ITS are consistent with CESA for the proposed Project, Caltrans will not be required to obtain an incidental take permit under Fish and Game Code section 2081 for the Project.

DEPARTMENT OF FISH AND GAME

Department of Fish and Game —

Public Interest Notice

For Publication June 6, 2008

CESA CONSISTENCY DETERMINATION REQUEST FOR

South Sacramento Corridor Phase 2 Project
Sacramento County
2080–2008–011–02

The Department of Fish and Game (Department) received a notice on May 21, 2008 that the Sacramento Regional Transit District (RT) proposes to rely on a consultation between federal agencies to carry out a project that may adversely affect species protected by the California Endangered Species Act (CESA). This project consists of the 4.3 mile extension of light rail transit (LRT) from the South Sacramento Phase 1 terminus at Meadowview Road to Consumnes River College, including 4 LRT stations and a concrete bridge over Morrison Creek, in Sacramento County, CA (Project). The Project will result in permanent impacts to approximately 0.001 acres (44 square feet) to aquatic habitat and 0.46 acres of upland habitat suitable for the giant garter snake (*Thamnophis gigas*) (GGS). Project activities will also result in temporary impacts to 0.05 acres of aquatic habitat and 8.39 acres of upland habitat suitable for the GGS. These effects may be aggravated by the initiation of construction activities in the midst of GGS reproductive season. If any dewatering of portions of Morrison Creek is required, this could directly affect GGS reproductive season.

The U.S. Fish and Wildlife Service (Service) issued a “no jeopardy” federal biological opinion (81420–2008–F–0285)(BO) and incidental take state-

ment (ITS) to the U.S. Department of Transportation (USDOT) on April 18, 2008 which considered the effects of the project on the Federally threatened and State threatened giant garter snake. Pursuant to California Fish and Game Code Section 2080.1, RT is requesting a determination that the BO and ITS are consistent with CESA for purposes of the proposed Project. If the Department determines the BO and ITS are consistent with CESA for the proposed Project, RT will not be required to obtain an incidental take permit under Fish and Game Code section 2081 for the Project.

DEPARTMENT OF HEALTH CARE SERVICES

NOTICE OF GENERAL PUBLIC INTEREST

Additional Information Regarding Implementation Of A 10 Percent Reduction in Provider Payments For Hospital Inpatient Services and Some Nursing Facility Services

The Department of Health Care Services is providing this supplemental notice regarding Medi-Cal payment reductions mandated by Welfare and Institutions Code sections 14105.19 and 14166.245, which are scheduled to take effect on July 1, 2008. A previous notice concerning these payment reductions was published in the California Regulatory Notice Register on March 28, 2008 (Volume No. 13-Z, page 492.)

The March 28, 2008 Notice provided an address to contact for obtaining information and for submitting comments. Furthermore, notice of these payment reductions was provided in the Medi-Cal provider bulletin and on the Department's Medi-Cal website. Additionally, the changes mandated by Welfare and Institutions Code sections 14105.19 and 14166.245 have already gone through public review and comment as part of the legislative process of enacting these statutes. Thus, the Department does not believe that any additional notice is required concerning these reimbursement changes. However, in order to assure that a reasonable opportunity for review and comment has been provided in accordance with title 42, United States Code, section 1396a(a)(13)(A), the Department is sending this supplemental notice regarding the changes in reimbursement for non-contract hospital inpatient services and some nursing facility services. The Department also intends to publish this supplemental notice on the Department's Medi-Cal website.

Non-Contract Hospital Inpatient Services

The Medi-Cal reimbursement policy for hospital inpatient services rendered by hospitals not under contract is applied to each hospital according to its own fiscal period. Each hospital decides upon its own fiscal period, with fiscal periods ending on December 31 and June 30 being the most common. When non-contract hospitals bill for services, they are initially paid an interim rate, which is stated as a percentage of the hospital's charges. Welfare and Institutions Code section 14166.245 does not change the current Medi-Cal policy for calculation of a hospital's interim rate. Thus, a hospital's interim rate may go up or go down in accordance with current interim rate policy subsequent to implementation of section 14166.245. However, effective for dates of service on or after July 1, 2008, the payments made to a hospital pursuant to the interim rate in effect at any particular time will be reduced by 10 percent.

Hospitals are required to submit a cost report within 5 months of the close of their fiscal period. The Department reviews each hospital's cost report and prepares a tentative settlement, which is a determination of the allowable reimbursable reported costs for a hospital's fiscal period. The Department compares what a hospital was paid in interim payments for the hospital's fiscal period, to the hospital's allowable reimbursable reported costs for that fiscal period. The difference may result in either an underpayment that is paid to the hospital or an overpayment that is recouped from the hospital. The methodology that the Department uses for determining a hospital's allowable reimbursable reported costs at tentative settlement is not being changed. However, because of Welfare and Institutions Code section 14166.245, subdivision (c), the Department intends to use 90 percent of a hospital's allowable reimbursable reported costs for days of care on or after July 1, 2008 in determining at tentative settlement whether there is an underpayment owed to a hospital or an overpayment that must be recouped from a hospital. Taking such action is consistent with the intent of the statute and the failure to take such action would likely necessitate much greater recoupment of money from hospitals at the final cost settlement phase of the process discussed below.

Sometime after a tentative cost settlement for a particular hospital's fiscal period, the Department's Financial Audits Branch completes a field audit of the hospital's reported costs. After the Department completes an audit of a hospital's reported costs for its fiscal period, it issues an audit report concerning the hospital's allowable costs in accordance with Medicare standards and principles of cost based reimbursement. Providers may request an administrative hearing to contest the audit findings. (Welf. & Inst. § 14171.)

The final reimbursement payable to a non-contract hospital for inpatient services provided during a hospital's fiscal period is referred to as the peer grouping inpatient reimbursement limitation (PIRL), which is the lesser of the hospital's (1) customary charges, (2) audited allowable costs in accordance with Medicare standards and principles of cost based reimbursement, (3) an all-inclusive rate per discharge limitation (ARPD), or (4) peer grouping rate per discharge limitation (PGRPDL). (Cal. Code Regs., tit. 22, §§ 51545, subd. (a)(70) and 51546.) The Department's Hospital Reimbursement Unit (HRU), Safety Net Financing Division, calculates the ARPD and PGRPDL for a hospital's fiscal period sometime after the Financial Audits Branch issues its audit report as to what the hospital's allowable costs were. The ARPD and PGRPDL are not calculated for rural hospitals and new hospitals.

Welfare and Institutions Code section 14166.245, subdivision (c) modifies item 2 of the PIRL calculation with respect to non-contract hospital inpatient services provided on or after July 1, 2008. When calculating a hospital's final cost report settlement for days of service on or after July 1, 2008, the Department will limit item (2) of the PIRL to 90 percent of audited allowable costs in accordance with Medicare standards and principles of cost based reimbursement. Thus, when calculating the amount of final reimbursement a hospital would be entitled to under item 2 of the PIRL for a hospital's fiscal period that includes any dates of service on or after July 1, 2008, the amount shall be limited for Medi-Cal covered inpatient days on or after July 1, 2008 to 90 percent of the hospital's audited allowable costs per day for those services multiplied by the number of such days within the hospital's fiscal period. Final reimbursement under item 2 of the PIRL for days of service prior to July 1, 2008 will continue to be 100 percent of audited allowable costs. There will be no change in the current Medi-Cal policy for determining the other components of the PIRL (i.e., customary charges, ARPD, and PGRPDL).

The Department is mandated by state law to implement the above change in reimbursement. Thus, the Department is also mandated by Article III, Section 3.5 of the California Constitution to implement this change in reimbursement. The Department has considered the impact of this reimbursement on providers and Medi-Cal beneficiaries. The Department's assessment is that reimbursement will continue to compensate a high percentage of hospital costs and that beneficiaries will continue to have access to hospital inpatient services consistent with title 42, United States Code, section 1396a(a)(30)(A).

Nursing Facility Services

For nursing facility services, the Medi-Cal program establishes a per diem rate of reimbursement for each day of Medi-Cal covered service rendered by a provider. Rates are established for each rate year, which runs from August 1 through July 31. Thus, the rates currently being paid are those established for the 2007/2008 rate year that runs from August 1, 2007 through July 31, 2008. Welfare and Institutions Code section 14105.19 mandates that rates for the following nursing facility services will be reduced by 10 percent effective for dates of service on or after July 1, 2008.

- Freestanding Nursing Facility Services (Level A).
- Nursing Facility Services in a distinct part of a hospital (Level B).
- Adult Sub-acute Care Services in a distinct part of a hospital.
- Pediatric Sub-acute Care Services in a distinct part of a hospital.

The Department will implement section 14105.19 by reducing the rate that would otherwise be paid for these services under the current rate methodology by 10 percent effective for dates of service on or after July 1, 2008. Thus, for dates of service during July 2008, the rate paid will be the rate established under the current rate methodology for the 2007/2008 rate year, reduced by 10 percent. For dates of service on or after August 1, 2008, the rate paid will be the rate established for the 2008/2009 rate year reduced by 10 percent.

The Department is mandated by state law to implement the above change in reimbursement. Thus, the Department is also mandated by Article III, Section 3.5 of the California Constitution to implement this change in reimbursement. The Department has considered the impact of this reimbursement on providers and Medi-Cal beneficiaries. The Department's assessment is that reimbursement will continue to compensate a high percentage of costs incurred for these nursing facility services and that Medi-Cal beneficiaries will continue to have access to these services consistent with title 42, United States Code, section 1396a(a)(30)(A).

Public Comments

Anyone wishing to submit comments may do so by submitting their comments in writing to Linda Machado, Professional Provider Unit; Department of Health Care Services; Medi-Cal Benefits, Waiver Analysis, and Rates Division; MS 4612; P.O. Box 997413; Sacramento, CA 95899-7413. Please submit written comments by Monday June 16, 2008 so that the Department has sufficient time to consider them in deciding whether any changes in implementation of the reimbursement changes for non-contract hospital inpatient services or nursing facility services are warranted. Comments re-

ceived after that date will be considered for any necessary modifications after July 1, 2008.

DISAPPROVAL DECISION

DECISIONS OF DISAPPROVAL OF REGULATORY ACTIONS

Printed below are the summaries of Office of Administrative Law disapproval decisions. Disapproval decisions are available at www.oal.ca.gov. You may also request a copy of a decision by contacting the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339, (916) 323-6225 — FAX (916) 323-6826. Please request by OAL file number.

DEPARTMENT OF MOTOR VEHICLES

State of California
Office of Administrative Law

In re:

Department of Motor Vehicles

Regulatory Action: Title 13
California Code of Regulations

Adopt sections: 346.00, 346.02, 346.04, 346.06,
346.08, 346.10, 346.12, 346.14,
346.16

Amend sections:

Repeal sections:

DECISION OF DISAPPROVAL OF REGULATORY ACTION

Government Code Section 11349.3

OAL File No. 2008-0414-01 S

SUMMARY OF REGULATORY ACTION

In this regulatory action, the Department of Motor Vehicles (Department) proposes the adoption of regulations providing for the "Mature Driver Improvement Course Approval Program" to implement Vehicle Code sections 1675, 1676, and 1677. Under this program, the Department establishes standards and develops criteria for the approval of initial and renewal driver improvement courses specifically designed for the safe driving

needs of drivers who are 55 years of age or older, known as "mature driver improvement courses." The regulations include (among other provisions) the requirements for applications to the Department for course approval, curriculum and other requirements for courses, provisions relating to the advertising of courses by course providers, provisions pertaining to course providers notifying the Department of changes, requirements relating to the completion certificates that are issued to participants who have completed courses, program fee requirements, and provisions pertaining to course provider records.

Date: May 29, 2008

Bradley J. Norris
Senior Staff Counsel

FOR: SUSAN LAPSLEY
Director

Original: George Valverde
Copy: Randi Calkins

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

File# 2008-0409-02
BOARD OF EDUCATION
Highly Qualified Teachers — NCLB

The State Board of Education is adopting a new Subject Matter Verification Process for Middle and High School Level Teachers in Special Settings (VPSS) and amending regulations concerning definitions used in No Child Left Behind Teacher Requirements and the High Objective Uniform State Standard (HOUSSE) evaluation process.

Title 5
California Code of Regulations
ADOPT: 6105 AMEND: 6100, 6104
Filed 05/21/2008
Effective 06/20/2008
Agency Contact: Debra Strain (916) 319-0860

File# 2008-0409-05

BOARD OF OCCUPATIONAL THERAPY**Assessment of Administrative Fines**

This regulatory action increases the maximum allowed administrative fine from \$2000 to \$2500 for the more serious Class “A” violations — those that resulted in or had significant potential for patient harm. It also adds a new Class “D” violation for a minor and technical violation. In addition, it allows the Executive Officer to further increase the fine up to \$5000 for violations if one or more of certain listed circumstances apply.

Title 16

California Code of Regulations

AMEND: 4141

Filed 05/21/2008

Effective 06/20/2008

Agency Contact: April Freeman (916) 322-3278

File# 2008-0411-03

CALIFORNIA HORSE RACING BOARD**Classification of Drug Substances**

This rulemaking establishes penalty guidelines and classification of hundreds of drug substances, the presence of which in a horse may result in a violation of Business and Professions Code section 19581.

Title 4

California Code of Regulations

ADOPT: 1843.3 AMEND: 1843.2

Filed 05/23/2008

Effective 05/23/2008

Agency Contact: Harold Coburn (916) 263-6397

File# 2008-0509-01

CORRECTIONS STANDARDS AUTHORITY**Minimum Standards for Local Adult and Juvenile Facilities**

This rulemaking implements Assembly Bill 478 by adding provisions to Title 15 of the California Code of Regulations to ensure that minors and adults who are pregnant and who are housed in local adult and juvenile detention facilities receive balanced and nutritious diets, vitamins, prenatal and postpartum healthcare, and childbirth and infant-care education. The rulemaking also adds regulatory provisions prohibiting the use of shackles for women in labor, including during transport to a hospital, during delivery, or while in recovery after delivery, except when deemed necessary for the safety and security of the inmate, the staff, and the public. The rulemaking further requires that the administrators of each juvenile facility develop written policies and pro-

cedures to address all of these pregnancy-related healthcare and use-of-restraints issues.

Title 15

California Code of Regulations

ADOPT: 1417 AMEND: 1029, 1206, 1248, 1357, 1358, 1461

Filed 05/23/2008

Effective 05/23/2008

Agency Contact: Rebecca Craig (916) 324-2400

File# 2008-0515-02

DEPARTMENT OF FOOD AND AGRICULTURE**Light Brown Apple Moth Interior Quarantine**

This is an emergency amendment to update the geographical boundaries of the quarantine areas created to prevent the spread of the light brown apple moth.

Title 3

California Code of Regulations

AMEND: 3434(b)

Filed 05/23/2008

Effective 05/23/2008

Agency Contact: Stephen Brown (916) 654-1017

File# 2008-0422-07

DEPARTMENT OF FOOD AND AGRICULTURE**Lettuce Exemption**

This rulemaking exempts heads of lettuce measuring less than 14 inches in circumference at the widest part (known commercially as “baby lettuce”) from packing requirements for head lettuce.

Title 3

California Code of Regulations

AMEND: 1438.7, 1438.17

Filed 05/23/2008

Effective 06/22/2008

Agency Contact: Rick S. Jensen (916) 427-1100

File# 2008-0501-01

DEPARTMENT OF INSURANCE**Total Disability Definition in Standard Credit Policy Forms Regulations**

These amendments to Title 10 revise the definition of “total disability” to more accurately reflect California case law.

Title 10

California Code of Regulations

AMEND: 2249.2-2249.9, 2249.12, 2249.15

Filed 05/27/2008

Effective 06/26/2008

Agency Contact: Peter Groom (415) 538-4421

File# 2008-0415-01

DEPARTMENT OF JUSTICE

Rename Division of Gambling Control to Bureau of Gambling Control

This change without regulatory effect changes the name of the Division of Gambling Control to the Bureau of Gambling Control within the Division of Law Enforcement. In addition, the title Director is changed to Chief which is the title for those heading a Bureau.

Title 11

California Code of Regulations

AMEND: 2000, 2001, 2010, 2020, 2030, 2037, 2038, 2050, 2051, 2052, 2053, 2060, 2070, 2071, 2072, 2140

Filed 05/28/2008

Agency Contact: Terri Sue Canale (916) 263-0372

File# 2008-0422-01

MENDOCINO WINEGRAPE AND WINE

COMMISSION

Conflict of Interest Code

This is a Conflict of Interest Code filing that was approved by the Fair Political Practices Commission and is being submitted for filing with the Secretary of State and printing only.

Title 2

California Code of Regulations

ADOPT: 59580

Filed 05/21/2008

Effective 06/20/2008

Agency Contact: Jill S. England (916) 448-3826

File# 2008-0527-03

SUPERINTENDENT OF PUBLIC INSTRUCTION

Child Care and Development Services—Need

This rulemaking adopts regulations and amends others to strengthen the documentation and verification practices of local public and private agencies that administer the Child Care and Development Services program. The rulemaking also imposes some scope of benefits limitations on the program.

Title 5

California Code of Regulations

ADOPT: 18085.5, 18086.1 AMEND: 18086, 18087, 18088, 18091, 18101, 18102, 18104

Filed 05/28/2008

Effective 06/27/2008

Agency Contact: Debra Strain (916) 319-0860

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN DECEMBER 26, 2007 TO
MAY 28, 2008**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 1

04/24/08 AMEND: Appendix A
02/25/08 ADOPT: 48, 50, 52 AMEND: 55
01/29/08 AMEND: 1, 6, 90, and Appendix A (Std. Form 400)

Title 2

05/21/08 ADOPT: 59580
05/14/08 ADOPT: 18413
05/13/08 ADOPT: 59620
05/06/08 AMEND: 43000, 43001, 43002, 43003, 43004, 43005, 43006, 43007, 43008, 43009
04/30/08 AMEND: 1859.2, 1859.61, 1859.81, 1859.82, 1859.83, 1859.202, 1866, Form SAB 50-04 (Rev. 01/08)
04/29/08 ADOPT: 1859.190, 1859.191, 1859.192, 1859.193, 1859.193.1, 1859.194, 1859.195, 1859.196, 1859.197, 1859.198, 1859.199 AMEND: 1859.2, 1859.51, 1859.81, Form SAB 50-04 (Revised 01/08), Form SAB 50-05 (Revised 01/08), Form SAB 50-10 (Revised 01/08)
04/24/08 ADOPT: 1183.081, 1183.131, 1183.30, 1183.31, 1183.32 AMEND: 1181.1, 1181.2, 1181.3, 1183, 1183.01, 1183.04, 1183.08, 1183.11, 1183.13, 1183.14, 1183.3, 1188.3
04/10/08 AMEND: 1866, 1866.4.3, 1866.13, Form SAB 40-22 (Rev. 10/07)
04/09/08 AMEND: 18997
03/28/08 ADOPT: 59630
03/24/08 AMEND: 18735
03/19/08 AMEND: 55300
03/19/08 AMEND: 549.90
03/19/08 AMEND: 18200
03/03/08 AMEND: 1859.76, 1859.83, 1859.104.3
02/25/08 AMEND: 549.80
02/25/08 AMEND: 714
01/07/08 AMEND: 1859.2, 1859.43, 1859.50, 1859.51, 1859.81, 1859.106

01/07/08	AMEND: 18531.61	6450.2, 6450.3, 6452, 6453, 6502, 6624, 6626, 6784
01/03/08	ADOPT: 547.69, 547.70, 547.71 AMEND: 547.69 renumbered as 547.72, 547.70 renumbered as 547.74, 547.71 renumbered as 547.73	01/24/08 AMEND: 1391, 1391.1 01/22/08 AMEND: 3591.6 01/22/08 AMEND: 3591.6 01/22/08 AMEND: 3591.2(a) 01/22/08 AMEND: 3591.5(a) 01/18/08 AMEND: 3423(b) 01/18/08 ADOPT: 3152 01/11/08 AMEND: 3406(b) 01/10/08 AMEND: 3433(b) 01/07/08 AMEND: 1180.3.1 12/26/07 AMEND: 3433(b) 12/26/07 AMEND: 3963
12/26/07	AMEND: div. 8, ch. 54, sec. 54300	
Title 3		
05/23/08	AMEND: 3434(b)	
05/23/08	AMEND: 1438.7, 1438.17	
05/07/08	AMEND: 3434(b)	
05/05/08	AMEND: 3406(b)	
05/02/08	AMEND: 3417(b)	
05/02/08	AMEND: 3434	
04/30/08	AMEND: 3591.20	
04/23/08	AMEND: 6550	
04/21/08	AMEND: 3700	
04/18/08	AMEND: 3434(b)	
04/16/08	AMEND: 3434(b) & (c)	
04/15/08	AMEND: 3433(b)	
04/08/08	AMEND: 3434(b)	
04/02/08	AMEND: 3433(b)	
04/02/08	AMEND: 3433(b)	
04/01/08	ADOPT: 821, 821.1, 821.2, 821.3, 821.4, 821.5 REPEAL: 784, 784.1, 784.2, 800, 800.1, 801, 802	
03/26/08	AMEND: 3434(b)	
03/21/08	AMEND: 3434(b)	
03/19/08	AMEND: 6620	
03/17/08	AMEND: 3434(b)	
03/17/08	AMEND: 3406(b)	
03/17/08	AMEND: 3700(c)	
03/13/08	AMEND: 6860	
03/12/08	AMEND: 3434(b)	
03/12/08	AMEND: 3406(b)	
03/05/08	AMEND: 3875	
03/04/08	AMEND: 3867	
03/03/08	AMEND: 3591.20	
02/22/08	AMEND: 3434(b)	
02/21/08	AMEND: 6393	
02/11/08	AMEND: 3434(b)	
02/08/08	AMEND: 3591.20	
02/04/08	AMEND: 3434(b)	
01/29/08	AMEND: 3700(c)	
01/28/08	AMEND: 3433(b)	
01/28/08	AMEND: 4500	
01/25/08	ADOPT: 6445, 6445.5, 6448, 6448.1, 6449, 6449.1, 6450, 6450.1, 6450.2, 6451, 6451.1, 6452, 6452.1, 6452.2, 6452.3(a), 6452.3(b), 6452.3(c), 6452.3(d), 6452.3(e), 6452.3(f), 6452.4, 6536(a), 6536(b)(1-3), 6536(b)(4) AMEND: 6000, 6400, 6450, 6450.1,	
Title 4		
05/23/08	ADOPT: 1843.3 AMEND: 1843.2	
05/01/08	AMEND: 1844	
04/08/08	AMEND: 1467	
03/24/08	AMEND: 10177, 10178, 10181, 10182, 10187, 10188, 10189	
02/29/08	ADOPT: 8102, 8102.1, 8102.2, 8102.3, 8102.4, 8102.5, 8102.6, 8102.7, 8102.8, 8102.9, 8102.10, 8102.11, 8102.12, 8102.13, 8102.14, 8102.15 AMEND: 8090, 8091, 8092, 8093, 8094, 8095, 8096, 8097, 8098, 8099, 8100, 8101	
01/22/08	AMEND: 8070, 8072, 8073	
01/10/08	AMEND: 1632	
12/26/07	AMEND: 12002, 12122, 12202, 12203.2, 12222	
Title 5		
05/28/08	ADOPT: 18085.5, 18086.1 AMEND: 18086, 18087, 18088, 18091, 18101, 18102, 18104	
05/21/08	ADOPT: 6105 AMEND: 6100, 6104	
05/13/08	AMEND: 15440, 15441, 15442, 15443, 15444, 15445, 15446, 15447, 15448, 15449, 15450, 15451, 15452, 15453, 15454, 15455, 15456, 15457, 15458, 15459, 15460, 15461, 15462, 15463, 15464, 15467, 15468, 15469, 15471, 15471.1, 15471.2, 15472, 15473, 15474, 15475, 15476, 15477, 15478, 15479, 15479.5, 15480, 15481, 15483, 15484, 15485, 15486, 15487, 15488, 15489, 15490, 15493	
05/05/08	ADOPT: 11315.5 and 11315.6 AMEND: 11315	
05/01/08	AMEND: 80440, 80443	
04/21/08	ADOPT: 18134	
04/21/08	ADOPT: 18134	

03/03/08	ADOPT: 9510.5, 9512, 9513, 9514, 9525 AMEND: 9510, 9511, 9515, 9516, 9517, 9518, 9519, 9521, 9522, 9523, 9524, 9527, 9528, 9529, 9530 REPEAL: 9517.1, 9520	2510.56, 2510.58, 2522.2, 2530.4, 2530.102, 2530.103, 2530.104, 2530.107, 2530.112, 2533.1, 2534.6, 2534.8, 2540.1, 2540.2, 2540.3, 2540.4, 2560.2, 2561.1, 2561.3, 2561.31, 2561.32, 2563.23, 2563.33; Article 77, Section 2565.3; Sections 2568.8, 2568.15, 2569.1, 2569.6, 2569.7, 2569.20, 2569.51; Article 80, Sections 2571.1 and 2571.16. REPEAL: 2340.23, 2350.11, 2390.83, 2395.7, 2395.33, 2395.43, 2395.50, 2480.8, 2522.8and 2561.50.
02/28/08	ADOPT: 11969.10, 11969.11 AMEND: 11969.1, 11969.2, 11969.3, 11969.4, 11969.6, 11969.7, 11969.8, 11969.9	
02/25/08	AMEND: 41301	
02/22/08	AMEND: 3051.16, 3065	
Title 8		
05/19/08	AMEND: 1529, 5208, 8358	
05/19/08	AMEND: 1710	
05/19/08	AMEND: 797, 1604.10, 1601.21, 1662	04/11/08 AMEND: 7016(c)
05/05/08	ADOPT: 2340.2, 2340.5, 2340.8, 2340.10, 2340.12, 2340.14; Article 6, Sections 2360.1through 2360.5; Sections 2375.7, 2375.25, 2380.1, 2390.10, 2390.20, Article 12, Sections 2400.1, 2400.2; Sections 2418.2, 2418.3, 2418.4, 2418.5, 2418.6, 2420.4, 2420.5, 2420.6, 2420.7, 2473.1, 2473.2, 2480.5, 2480.9, 2484.5, 2484.6; Article 48.1, Sections 2485.1, 2485.2; Sections 2505.2, 2510.8, 2522.20, 2530.120, 2530.121; Article 58.1, Section 2535.1; Sections 2540.11, 2540.11 Figure S-1, 2560.3; Article 74.1, Sections 2562.1 through 2562.7; Article 77.1, Sections 2566.1 through 2566.3; Article 77.2, Sections 2567.1 through 2567.3; Sections 2569.5, 2571.9, 2571.30; Article 83, Sections 2583.1 through 2583.8; Article 84, Sections 2584.1 through 2584.8; Article 85, Sections 2585.1 through 2585.3; Article 86, Sections 2586.1 through 2586.4; Article 87, Sections 2587.1 through 2587.5; Article 88, Sections 2588.1 through 2588.3; Article 89, Sections 2589.1 and 2589.2. AMEND: 2300, 2305.2, 2305.4, 2340.9, 2340.11, 2340.13, 2340.16, Table 2340.16, 2340.17, 2340.18, 2340.21, 2340.22; Article 5, Section 2350.2; Sections 2375.1, 2375.18, Table 2375.18, Sections 2375.19, 2390.1, 2390.24, 2390.41, 2390.81, 2395.3, 2395.5, 2395.6, 2395.23, 2395.25, 2395.32, 2395.42, 2395.44, 2395.45, 2395.57, 2395.58, 2405.1, 2405.2; Article 16, Sections 2420.3; Article 45; Sections 2480.6, 2480.7, 2484.24, 2500.7, 2500.8, 2500.9, 2500.10, 2500.11, 2500.23, 2505.10, 2505.11, 2510.4, 2510.5, 2510.6, 2510.7,	04/07/08 AMEND: 10116, 10116.1, 10117.1, 10118.1, 10119, 10120, 10121, 10136, 10137, 10225, 10225.1, 10225.2 04/01/08 ADOPT: 3140, 3141, 3141.1, 3141.2, 3141.3, 3141.4, 3141.5, 3141.6, 3141.7, 3141.8, 3141.9, 3141.10, 3141.11, 3141.12, 3141.13, 3142, 3142.1, 3142.2, 3143, 3144, 3145, 3146 AMEND: 3000, 3001, 3009, 3094.2, 3120.6, 3137 03/05/08 AMEND: 1504, 1597 03/05/08 AMEND: 3228 02/29/08 AMEND: 3270 12/31/07 AMEND: 3650 12/28/07 AMEND: 1604.24
Title 9		
03/06/08	AMEND: 10025, 10057, 10515, 10518, 10524, 10545, 10550, 10606, 11014, 11017, 11024, 13070	
02/28/08	ADOPT: 7024.9, 7025.4, 7136.4, 7136.5, 7136.6, 7136.7, 7136.8, 7136.9, 7137, 7138, 7179.4, 7179.5 REPEAL: 7136.5	
02/13/08	ADOPT: 3100, 3200.010, 3200.020, 3200.030, 3200.040, 3200.050, 3200.060, 3200.070, 3200.080, 3200.090, 3200.100, 3200.110, 3200.120, 3200.130, 3200.140, 3200.150, 3200.160, 3200.170, 3200.180, 3200.190, 3200.210, 3200.220, 3200.225, 3200.230, 3200.240, 3200.250, 3200.260, 3200.270, 3200.280, 3200.300, 3200.310, 3300, 3310, 3315, 3320, 3350, 3360, 3400, 3410, 3500, 3505, 3510, 3520, 3530, 3530.10, 3530.20, 3530.30, 3530.40, 3540, 3610, 3615, 3620, 3620.05, 3620.10, 3630, 3640, 3650 REPEAL: 3100, 3200.000, 3200.010, 3200.020, 3200.030, 3200.040, 3200.050, 3200.060, 3200.070, 3200.080, 3200.090, 3200.100,	

3200.110, 3200.120, 3200.130,
3200.140, 3200.150, 3200.160, 3310,
3400, 3405, 3410, 3415

Title 10

05/27/08 AMEND: 2249.2–2249.9, 2249.12,
2249.15
05/16/08 ADOPT: 2642.8, 2644.28 AMEND:
2642.6, 2642.7, 2644.2, 2644.3, 2644.6,
2644.7, 2644.8, 2644.12, 2644.16,
2644.17, 2644.19, 2644.20, 2644.21,
2644.23, 2644.25, 2644.27
04/30/08 AMEND: 2697.6, 2697.61
04/29/08 ADOPT: 10.19900, 10.19901
04/28/08 AMEND: 310.111
03/27/08 AMEND: 2699.6500, 2699.6805,
2699.6803
03/20/08 AMEND: 1950.314.8
03/18/08 AMEND: 2498.6
03/12/08 ADOPT: 2699.402 AMEND: 2699.100,
2699.205, 2699.6600, 2699.6607,
2699.6608, 2699.6613, 2699.6625,
2699.6629, 2699.6813
03/06/08 AMEND: 260.241, 260.241.2 REPEAL:
260.218.5, 260.241.1
02/22/08 ADOPT: 2695.20, 2695.21, 2695.22,
2695.23, 2695.24, 2695.25, 2695.26,
2695.27, 2695.28
02/14/08 ADOPT: 2790.8, 2790.9
02/11/08 AMEND: 5101
01/14/08 ADOPT: 2844 AMEND: 2840, 2842
01/08/08 ADOPT: 2240.5 AMEND: 2240, 2240.1,
2240.2, 2240.3, 2240.4
12/27/07 ADOPT: 1436, 1950.314.8

Title 11

05/28/08 AMEND: 2000, 2001, 2010, 2020, 2030,
2037, 2038, 2050, 2051, 2052, 2053,
2060, 2070, 2071, 2072, 2140
04/14/08 AMEND: 1081
02/29/08 AMEND: 1009, 1070, 1071, 1082, 1083
01/16/08 REPEAL: 1305

Title 13

05/16/08 ADOPT: 2449, 2449.1, 2449.2, 2449.3
05/01/08 AMEND: 1
04/28/08 AMEND: 120.00, 120.01, 120.02,
124.93, 124.95 REPEAL: 120.04
04/10/08 AMEND: 1202.1, 1202.2, 1232
04/07/08 AMEND: 2451, 2452, 2453, 2458, 2461
03/07/08 AMEND: 345.02, 345.06, 345.21,
345.22
03/04/08 AMEND: 2485
02/08/08 AMEND: 621, 691, 693, 699
02/01/08 ADOPT: 1300, 1400, 1401, 1402, 1403,
1404, 1405 REPEAL: 1300, 1301, 1302,
1303, 1304, 1304.1, 1305, 1310, 1311,

1312, 1313, 1314, 1315, 1320, 1321,
1322, 1323, 1324, 1325, 1330, 1331,
1332, 1333, 1334, 1335, 1336, 1337,
1338, 1339, 1339.1, 1339.2, 1339.3,
1339.4, 1339.5, 1339.6, 1340, 1341,
1342, 1343, 1344, 1350, 1351, 1352,
1353, 1354, 1355, 1356, 1360, 1361,
1362, 1363, 1364, 1365, 1366, 1370,
1371, 1372, 1373, 1374, 1375, 1400,
1401, 1402, 1403, 1404, 1405, 1406,
1410, 1411, 1412, 1413, 1414, 1415,
1416, 1417, 1418, 1420, 1421, 1422,
1423, 1424, 1425 and Article 15 text.

Title 14

05/15/08 AMEND: 353, 475
05/09/08 AMEND: 27.20, 27.25, 27.30, 28.26,
28.27, 28.28, 28.29, 28.48, 28.49, 28.51,
28.52, 28.53, 28.54, 28.55, 28.56, 28.57,
28.58
05/02/08 AMEND: 825.05
04/28/08 ADOPT: 17987, 17987.1, 17987.2,
17987.3, 17987.4, 17987.5
04/28/08 AMEND: 815.05
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